

City Commission
Susan Gottlieb, Mayor

Enbar Cohen
Teri Holzberg
Billy Joel
Michael Stern
Howard Weinberg
Luz Urbácz Weinberg

The City of Aventura



City Manager
Eric M. Soroka, ICMA-CM

City Clerk
Teresa M. Soroka, MMC

City Attorney
Weiss Scrota Helfman
Pastoriza Cole & Boniske

SEPTEMBER 3, 2013 6 PM

Government Center
19200 West Country Club Drive
Aventura, Florida 33180

- 1. CALL TO ORDER\ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. AGENDA:** Request for Deletions/Emergency Additions
- 4. SPECIAL PRESENTATIONS:** Employee Service Awards
- 5. CONSENT AGENDA:** Matters included under the Consent Agenda are self-explanatory and are not expected to require discussion or review. Items will be enacted by one motion. If discussion is desired by any member of the Commission, that item must be removed from the Consent Agenda and considered separately.
 - A. APPROVAL OF MINUTES:**
July 9, 2013 Commission Meeting
July 17, 2013 Commission Meeting
July 17, 2013 Workshop Meeting
 - B. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA AUTHORIZING THE CITY MANAGER TO EXECUTE THE ATTACHED TRAFFIC CONTROL JURISDICTION AGREEMENT BETWEEN TURNBERRY VILLAGE AND THE CITY OF AVENTURA; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.**
 - C. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA DECLARING CERTAIN PROPERTY LISTED UNDER THE ASSETS OF THE CITY AS SURPLUS TO THE NEEDS OF THE CITY; DESCRIBING THE MANNER OF DISPOSAL; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.**

D. MOTION AUTHORIZING THE APPROPRIATION OF UP TO \$40,000 FOR BALLISTIC VESTS AND SHIELDS FROM THE POLICE FORFEITURE FUNDS IN ACCORDANCE WITH THE CITY MANAGER'S MEMORANDUM.

E. MOTION TO RATIFY THE CITY MANAGER'S APPOINTMENT OF HONORABLE JUDGE SHELDON SCHWARTZ, (RET.) AS SPECIAL MASTER FOR THE CITY OF AVENTURA CODE ENFORCEMENT PROCESS

F. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AMENDING RESOLUTION NO. 96-18, WHICH ESTABLISHED COMPREHENSIVE COMMISSION MEETING AND AGENDA PROCEDURES, AS AMENDED BY RESOLUTION NO. 2000-36, RESOLUTION NO. 2001-26, AND RESOLUTION NO. 2005-15; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

G. CITY COMMISSION, ACTING IN ITS CAPACITY AS THE GOVERNING BOARD FOR THE CITY OF AVENTURA CITY OF EXCELLENCE SCHOOL

MOTION TO ACCEPT FOR FILING THE SPECIAL PURPOSE FINANCIAL REPORT FOR THE AVENTURA CITY OF EXCELLENCE SCHOOL FOR THE FISCAL YEAR ENDED JUNE 30, 2013 AND TO ACCEPT FOR FILING THAT LETTER DATED AUGUST 19, 2013 ATTACHED AS ATTACHMENT 1

H. CITY COMMISSION, ACTING IN ITS CAPACITY AS THE GOVERNING BOARD FOR THE AVENTURA CITY OF EXCELLENCE SCHOOL

MOTION TO ACCEPT AVENTURA CITY OF EXCELLENCE SCHOOL OUT-OF-FIELD WAIVERS AS OUTLINED IN THE CITY MANAGER'S MEMORANDUM DATED AUGUST 13, 2013

I. CITY COMMISSION, ACTING IN ITS CAPACITY AS THE GOVERNING BOARD FOR THE AVENTURA CITY OF EXCELLENCE SCHOOL

MOTION TO APPROVE DISTRIBUTION PLAN FOR STATE BUDGET ALLOCATED SALARY INCREASES FOR ACES INSTRUCTIONAL STAFF AS CONTAINED IN THE CITY MANAGER'S MEMORANDUM DATED AUGUST 14, 2013

- J. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND OTHERWISE ENTER INTO THE ATTACHED AGREEMENT BY AND BETWEEN THE CITY OF AVENTURA AND CORONADO CONDOMINIUM ASSOCIATION, INC. FOR THE INSTALLATION OF POLICE RADIO FACILITIES; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.**
- K. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA AUTHORIZING THE CITY MANAGER TO TAKE ACTION TO CONVERT NE 29TH PLACE TO A PUBLIC STREET AND PREPARE THE NECESSARY PLANS TO IMPLEMENT SAFETY, LIGHTING AND LANDSCAPE IMPROVEMENTS; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.**
- L. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE ATTACHED WORK AUTHORIZATION NO. 01-0103-171 FOR PROFESSIONAL DESIGN SERVICES FOR THE COUNTRY CLUB DRIVES (SOUTHBOUND) RESURFACING IMPROVEMENTS PROJECT BY AND BETWEEN THE CITY OF AVENTURA AND CRAVEN THOMPSON AND ASSOCIATES, INC.; AND PROVIDING AN EFFECTIVE DATE.**
- M. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE ATTACHED WORK AUTHORIZATION NO. 01-0103-172 FOR PROFESSIONAL DESIGN SERVICES FOR NE 29th PLACE SAFETY IMPROVEMENTS PROJECT BY AND BETWEEN THE CITY OF AVENTURA AND CRAVEN THOMPSON AND ASSOCIATES, INC.; AND PROVIDING AN EFFECTIVE DATE.**

6. ZONING HEARINGS: QUASI-JUDICIAL PUBLIC HEARINGS – Please be advised that the following items on the Commission's agenda are quasi-judicial in nature. If you wish to object or comment upon any of these items, please inform the Mayor when she requests public comments. An opportunity for persons to speak on each item will be made available after the applicant and staff have made their presentations on each item. All testimony, including public testimony and evidence, will be made under oath or affirmation. Additionally, each person who gives testimony may be subject to cross-examination. If you refuse either to be cross-examined or to be sworn, your testimony will be given its due weight. The general public will not be permitted to cross-examine witnesses, but the public may request the Commission to ask questions of staff or witnesses on their behalf. Persons representing organizations must present evidence

of their authority to speak for the organization. Further details of the quasi-judicial procedures may be obtained from the Clerk. None.

7. ORDINANCES: FIRST READING–PUBLIC INPUT:

- A. AN ORDINANCE OF THE CITY OF AVENTURA AMENDING PROVISIONS OF THE POLICE OFFICERS’ RETIREMENT PLAN; PROVIDING FOR COMPLIANCE WITH THE INTERNAL REVENUE CODE; PROVIDING FOR AN AMENDMENT TO THE DEFINITION OF “ACTUARIAL EQUIVALENT”; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.**

- B. AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, AMENDING DIVISION 5 "ARTS AND CULTURAL CENTER ADVISORY BOARD" OF ARTICLE III "ADVISORY BOARDS" OF CHAPTER 2 "ADMINISTRATION" OF THE CITY CODE, BY AMENDING SECTION 2-194 "RULES OF PROCEDURE; QUORUM"; BY REVISING THE NUMBER OF MEMBERS REQUIRED FOR A QUORUM AND FOR OFFICIAL ACTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR EFFECTIVE DATE.**

8. ORDINANCES – SECOND READING – PUBLIC HEARING:

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA AMENDING SECTION 31-145 “TOWN CENTER ZONING DISTRICTS” OF THE CITY’S LAND DEVELOPMENT REGULATIONS BY ADDING “TOWN CENTER NEIGHBORHOOD (TC3) DISTRICT” TO THE SECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

9. RESOLUTIONS – PUBLIC HEARING: None.

10. REPORTS

11. PUBLIC COMMENTS

12. OTHER BUSINESS: None.

13. ADJOURNMENT

FUTURE MEETINGS

COMMISSION MEETING 1st BUDGET HEARING SEPTEMBER 9, 2013 6 PM COMMISSION CHAMBER

COMMISSION MEETING/2nd BUDGET HEARING SEPTEMBER 18, 2013 6 PM COMMISSION CHAMBER

COMMISSION WORKSHOP SEPTEMBER 19, 2013 9 AM EXEC. CONFERENCE RM

This meeting is open to the public. In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the Office of the City Clerk, 305-466-8901, not later than two days prior to such proceeding. One or more members of the City of Aventura Advisory Boards may be in attendance and may participate at the meeting. Anyone wishing to appeal any decision made by the Aventura City Commission with respect to any matter considered at such meeting or hearing will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Agenda items may be viewed at the Office of the City Clerk, City of Aventura Government Center, 19200 W. Country Club Drive, Aventura, Florida, 33180. Anyone wishing to obtain a copy of any agenda item should contact the City Clerk at 305-466-8901.



**MINUTES
CITY COMMISSION MEETING
JULY 9, 2013 6:33 p.m.**

Aventura Government Center
19200 W. Country Club Drive
Aventura, Florida 33180

1. CALL TO ORDER/ROLL CALL: The meeting was called to order by Mayor Susan Gottlieb at 6:33 p.m. following the 6 p.m. LPA hearing. Present were Commissioners Enbar Cohen, Billy Joel, Howard Weinberg, Luz Weinberg, Vice Mayor Michael Stern, Mayor Susan Gottlieb, City Manager Eric M. Soroka, City Clerk Teresa M. Soroka and City Attorney David Wolpin. Commissioner Teri Holzberg was absent due to illness. As a quorum was determined to be present, the meeting commenced.

2. PLEDGE OF ALLEGIANCE: Led during LPA.

3. AGENDA: REQUESTS FOR DELETIONS/EMERGENCY ADDITIONS: None.

4. SPECIAL PRESENTATIONS: Presented during previous LPA meeting.

5. CONSENT AGENDA: A motion to approve the Consent Agenda was offered by Commissioner Enbar Cohen, seconded by Commissioner Howard Weinberg, passed unanimously and the following action was taken:

A. The following minutes were approved:

June 4, 2013 Commission Meeting
June 19, 2013 Special Meeting
June 19, 2013 Workshop Meeting

B. **Resolution No. 2013-28** was adopted as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE ATTACHED WORK AUTHORIZATION NO. 01-0103-169 FOR PROFESSIONAL DESIGN SERVICES FOR THE BISCAYNE BOULEVARD STREET LIGHTING PHASE 4 IMPROVEMENTS PROJECT BY AND BETWEEN THE CITY OF AVENTURA AND CRAVEN THOMPSON AND ASSOCIATES, INC.; AND PROVIDING AN EFFECTIVE DATE.

C. **Resolution No. 2013-29** was adopted as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA AUTHORIZING THE CITY MANAGER TO EXECUTE THE ATTACHED TRAFFIC CONTROL JURISDICTION AGREEMENT BETWEEN LINCOLN POINTE APARTMENTS AND THE

CITY OF AVENTURA; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

D. Resolution No. 2013-30 was adopted as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA AWARDED A CONTRACT FOR THE CITY'S GROUP DENTAL INSURANCE PROGRAM TO HUMANA FOR DPPO PLANS AND THE DHMO HS195; AUTHORIZING THE CITY MANAGER, ON BEHALF OF SAID CITY, TO EXECUTE ASSOCIATED CONTRACTS; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

6. ZONING HEARINGS: QUASI-JUDICIAL PUBLIC HEARINGS – Please be advised that the following items on the Commission's agenda are quasi-judicial in nature. If you wish to object or comment upon any of these items, please inform the Mayor when she requests public comments. An opportunity for persons to speak on each item will be made available after the applicant and staff have made their presentations on each item. All testimony, including public testimony and evidence, will be made under oath or affirmation. Additionally, each person who gives testimony may be subject to cross-examination. If you refuse either to be cross-examined or to be sworn, your testimony will be given its due weight. The general public will not be permitted to cross-examine witnesses, but the public may request the Commission to ask questions of staff or witnesses on their behalf. Persons representing organizations must present evidence of their authority to speak for the organization. Further details of the quasi-judicial procedures may be obtained from the Clerk.

None.

7. ORDINANCES: FIRST READING – PUBLIC INPUT: Mr. Wolpin read the following ordinance by title:

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA AMENDING SECTION 31-145 "TOWN CENTER ZONING DISTRICTS" OF THE CITY'S LAND DEVELOPMENT REGULATIONS BY ADDING "TOWN CENTER NEIGHBORHOOD (TC3) DISTRICT" TO THE SECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

A motion for approval, including the incorporation by reference into this hearing of all amendments and testimony, written and verbal, relative to this item given at the preceding Local Planning Agency meeting, was offered by Commissioner Joel and seconded by Commissioner Luz Weinberg. Mayor Gottlieb opened the public hearing. There being no speakers, the public hearing was closed. The motion for approval passed 5-1 by roll call vote with Mayor Gottlieb voting no.

8. ORDINANCES: SECOND READING/PUBLIC HEARING: Mr. Wolpin read the following ordinance by title:

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, AMENDING THE CITY CODE OF THE CITY OF AVENTURA BY REVISING DIVISION 2, "FLOOD DAMAGE PREVENTION", OF ARTICLE IV., "FLOODS", OF CHAPTER 30 "ENVIRONMENT" OF THE CITY CODE; ADDING LANGUAGE REGARDING THE INTENT AND PURPOSE; ADDING DEFINITIONS; ADDING A SEVERABILITY CLAUSE; ADDING ADMINISTRATION PROVISIONS AND DELETING PROVISIONS FOR FLOOD HAZARD REDUCTION IN V ZONES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING AN EFFECTIVE DATE.

A motion for approval was offered by Commissioner Howard Weinberg and seconded by Vice Mayor Stern. Mayor Gottlieb opened the public hearing. There being no speakers, the public hearing was closed. The motion for approval passed unanimously by roll call vote and **Ordinance No. 2013-07** was enacted.

- 9. RESOLUTIONS – PUBLIC HEARING:** Mr. Wolpin read the following resolution by title:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, ACCEPTING AND ADOPTING IN PRINCIPLE, SUBJECT TO ANNUAL REVISION AND AUTHORIZATION, THE CITY OF AVENTURA CAPITAL IMPROVEMENT PROGRAM DOCUMENT FOR FISCAL YEAR 2013/14 TO 2017/18 AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

A motion for approval was offered by Commissioner Howard Weinberg and seconded by Commissioner Joel. Mayor Gottlieb opened the public hearing. There being no speakers, the public hearing was closed. The motion for approval passed unanimously by roll call vote and **Resolution No. 2013-31** was adopted.

- 10. REPORTS:** As presented.

- 11. PUBLIC COMMENTS:** None.

- 12. OTHER BUSINESS:** None.

- 13. ADJOURNMENT:** There being no further business to come before the Commission at this time, after motion made, seconded and unanimously passed, the meeting adjourned at 6:45 p.m.

Teresa M. Soroka, MMC, City Clerk

Approved by the Commission on _____.

Anyone wishing to appeal any decision made by the City Commission with respect to any matter considered at a meeting or hearing will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.



**MINUTES
COMMISSION MEETING
JULY 17, 2013 9 AM**

Aventura Government Center
19200 W. Country Club Drive
Aventura, Florida 33180

1. **CALL TO ORDER/ROLL CALL.** (Mayor Gottlieb passed the gavel to Vice Mayor Stern due to illness) The meeting was called to order at 9:00 a.m. by Vice Mayor Michael Stern. Present were Commissioners Enbar Cohen, Teri Holzberg, Billy Joel, Howard Weinberg, Luz Urbáez Weinberg (by speakerphone), Vice Mayor Stern and Mayor Susan Gottlieb, City Manager Eric M. Soroka, City Clerk Teresa M. Soroka and City Attorney David M. Wolpin. As a quorum was determined to be present, the meeting commenced.

Item 3A was removed from the Consent Agenda and taken out of order at the request of Commissioner Luz Weinberg. Mr. Wolpin read the following resolution by title:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, APPROVING AMENDMENT TO EMPLOYMENT AGREEMENT BETWEEN THE CITY OF AVENTURA AND THE CITY MANAGER; AUTHORIZING MAYOR TO EXECUTE SAID AMENDMENT TO AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Wolpin addressed the Commission and explained the resolution and recommended approval. A motion for approval was offered by Commissioner Joel and seconded by Commissioner Enbar Cohen. After discussion, the motion for approval passed 6-1 with Mayor Gottlieb voting no and Resolution No. 2013-33 was approved.

2. **OVERVIEW AND REVIEW OF PROPOSED BUDGET:** Mr. Soroka reviewed the highlights of the budget process for the upcoming year as outlined in his budget message. He then reviewed the proposed 2013/2014 budget document, as follows:

A. GENERAL FUND, including Revenues, General Government Departments (City Commission, City Manager, Finance, Information Technology, Legal, City Clerk), Public Safety Department, Community Development Department, Community Services Department, Arts & Cultural Center, Non-Departmental and Capital Outlay.

A motion for approval of the General Fund Budget Revenues was offered by Commissioner Holzberg, seconded by Commissioner Joel, and unanimously passed.

A motion for approval of the City Commission budget was offered by Commissioner Joel, seconded by Commissioner Holzberg and unanimously passed.

A motion to approve the City Manager budget was offered by Mayor Gottlieb, seconded by Commissioner Joel and unanimously passed.

A motion to approve the Legal Department budget was offered by Commissioner Joel, seconded by Commissioner Holzberg and unanimously passed.

A motion to approve the City Clerk budget was offered by Commissioner Howard Weinberg, seconded by Commissioner Joel and unanimously passed.

A motion to approve the Finance Department budget was offered by Mayor Gottlieb, seconded by Commissioner Luz Weinberg and unanimously passed.

A motion to approve the Information Technology budget was offered by Mayor Gottlieb, seconded by Commissioner Joel and unanimously passed.

A motion to approve the Public Safety budget was offered by Commissioner Howard Weinberg, seconded by Commissioner Enbar Cohen and unanimously passed.

A motion to approve the Community Development Department budget was offered by Commissioner Holzberg, seconded by Commissioner Enbar Cohen and unanimously passed.

A motion to approve the Community Services Department budget was offered by Commissioner Joel, seconded by Commissioner Enbar Cohen, and unanimously passed.

A motion to approve the Arts & Cultural Center Department budget was offered by Mayor Gottlieb, seconded by Commissioner Holzberg, and unanimously passed.

A motion to approve the Non-Departmental budget was offered by Commissioner Joel, seconded by Commissioner Holzberg, and unanimously passed.

A motion to approve the Capital Outlay budget was offered by Mayor Gottlieb, seconded by Commissioner Joel, and unanimously passed.

B. Mr. Wolpin read the following resolution by title:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, ESTABLISHING A PROPOSED MILLAGE RATE FOR THE 2013/2014 FISCAL YEAR; PROVIDING FOR THE DATE, TIME AND PLACE OF THE PUBLIC HEARING TO CONSIDER THE PROPOSED MILLAGE RATE AND TENTATIVE BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

A motion for approval of the resolution, which establishes a millage rate for the 2013/14 fiscal year of 1.7261 per \$1,000 of taxable assessed value, was offered by Commissioner Joel, and seconded by Commissioner Enbar Cohen. The motion unanimously passed and **Resolution No. 2013-32** was adopted.

Mr. Soroka announced the dates of the Budget Hearings as September 9, 2013 and September 18, 2013, both at 6 p.m. in the Commission Chamber of the Aventura Government Center, 19200 West Country Club Drive, Aventura, FL.

C. POLICE EDUCATION FUND: A motion for approval was offered by Commissioner Holzberg, seconded by Commissioner Joel, and unanimously passed.

D. TRANSPORTATION AND STREET MAINTENANCE FUND: A motion for approval was offered by Commissioner Joel, seconded by Commissioner Enbar Cohen and unanimously passed.

E. 911 FUND: A motion for approval was offered by Commissioner Joel, seconded by Commissioner Holzberg and unanimously passed.

F. DEBT SERVICE FUND: A motion for approval was offered by Commissioner Luz Weinberg, seconded by Mayor Gottlieb and unanimously passed.

G. CAPITAL PROJECTS FUND: A motion for approval was offered by Commissioner Luz Weinberg, seconded by Commissioner Holzberg and unanimously passed.

H. STORMWATER UTILITY FUND: A motion for approval was offered by Commissioner Holzberg, seconded by Commissioner Luz Weinberg and unanimously passed.

I. POLICE OFF-DUTY SERVICES FUND: A motion for approval was offered by Commissioner Joel, seconded by Commissioner Enbar Cohen, and unanimously passed.

3. CONSENT AGENDA: A motion to approve the Consent Agenda (3-B and 3-C) was offered by Mayor Gottlieb, seconded by Commissioner Holzberg, passed unanimously and the following action was taken

B. Resolution No. 2013-34 was adopted as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AWARDED A CONTRACT FOR THE CITY'S GROUP HEALTH INSURANCE PROGRAM TO UNITEDHEALTHCARE FOR ITS ALTERNATE PPO PLAN AS SPECIFIED IN THE REQUEST FOR PROPOSALS ("RFP"); AUTHORIZING THE CITY MANAGER, ON BEHALF OF SAID CITY, TO EXECUTE ASSOCIATED CONTRACTS; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

C. Resolution No. 2013-35 was adopted as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND OTHERWISE ENTER INTO THE ATTACHED INTERLOCAL AGREEMENT BY AND BETWEEN THE CITY OF AVENTURA AND MIAMI-DADE COUNTY FOR PARTICIPATION IN THE MUNICIPAL PARKING FINES REIMBURSEMENT PROGRAM; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

C. ADJOURNMENT: There being no further business to come before the Commission, the meeting adjourned at 9:40 a.m.

Teresa M. Soroka, MMC

Approved by the Commission on _____.

This meeting is open to the public. In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the Office of the City Clerk, 305-466-8901, not later than two days prior to such proceeding. One or more members of the City of Aventura Advisory Boards may be in attendance and may participate at the meeting. Anyone wishing to appeal any decision made by the Aventura City Commission with respect to any matter considered at such meeting or hearing will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Agenda items may be viewed at the Office of the City Clerk, City of Aventura Government Center, 19200 W. Country Club Drive, Aventura, Florida, 33180. Anyone wishing to obtain a copy of any agenda item should contact the City Clerk at 305-466-8901.



**MINUTES
CITY COMMISSION
WORKSHOP MEETING
July 17, 2013 9:40 a.m.**

Aventura Government Center
19200 W. Country Club Drive
Aventura, Florida 33180

CALL TO ORDER/ROLL CALL: The meeting was called to order at 9:40 a.m. by Vice Mayor Michael Stern immediately following the 9 a.m. Commission Meeting. (Mayor Susan Gottlieb passed gavel to Vice Mayor due to illness). Present were Commissioners Enbar Cohen, Teri Holzberg, Billy Joel, Howard Weinberg, Luz Urbaz Weinberg, Vice Mayor Stern, Mayor Gottlieb, City Manager Eric M. Soroka, City Clerk M. Teresa Soroka and City Attorney David M. Wolpin. As a quorum was determined to be present, the meeting commenced.

Some items taken out of order.

1. **PUERTO AVENTURA RESIDENCES REQUEST TO AMEND DECLARATION OF RESTRICTIONS:** Jeffrey Bercow, Esq., Kobi Karp, Architect, and other representatives of the owner/developer of the property made a presentation to the Commission in furtherance of requesting an amendment to existing Declaration of Restrictions for the subject property.
CITY MANAGER SUMMARY: Commission consensus to allow applicant to proceed to public hearing, and encouraged owner/developer to make every attempt to reduce size of proposed project.
2. **ARTS & CULTURAL CENTER ADVISORY BOARD:** (City Manager) Mr. Soroka advised the Commission that the terms of current Board members expired July 1, 2013 and distributed attendance records for past meetings which indicated that at many meetings there were not enough members to reach a quorum.
CITY MANAGER SUMMARY: Consensus of Commission to reduce size of Board to seven members, contact current members as to their desire to continue to serve and, if necessary, seek new members from the community.
3. **CITY CLERK REVIEW:** (Commissioner Joel): Commissioner Joel distributed an evaluation form for the City Clerk and recommended that she receive bonus and COLA increase as outlined in his memorandum.
CITY MANAGER SUMMARY: Consensus to approve.
4. **ADJOURNMENT:** There being no further business to come before the Commission at this time, the meeting adjourned at 10:54 a.m.

Teresa M. Soroka, MMC, City Clerk

Approved by the Commission on _____.

Anyone wishing to appeal any decision made by the City Commission with respect to any matter considered at a meeting or hearing will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

CITY OF AVENTURA

OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: City Commission

FROM: Eric M. Soroka, ICMA-CM, City Manager 

DATE: July 11, 2013

SUBJECT: **Traffic Control Jurisdiction Agreement – Turnberry Village**

September 3, 2013 City Commission Meeting Agenda Item 5B

RECOMMENDATION

It is recommended that the City Commission authorize the execution of the attached Traffic Control Jurisdiction Agreement with Turnberry Village to provide traffic control jurisdiction by our Police Department over the private roads adjacent to the subject property. The Agreement will increase the visibility of the police force and enhance traffic enforcement.

BACKGROUND

In our continued efforts to provide improved police services to the community, we have initiated a program in the past that allows a condominium or homeowners associations to enter into an Agreement with the City to provide traffic control jurisdiction over a private roadway within the development. This permits the Police Department to conduct traffic enforcement activities on private property at the request of the owner.

Florida State Statute 316.006 allows municipalities to enter into such agreements provided they are reimbursed for the actual costs of traffic control and enforcement, the owner agrees to indemnify the City and provide liability insurance.

The City will bill the owner \$25.00 per hour for each officer required to perform the traffic enforcement detail when requested by the owner. Whenever possible, traffic complaints made by the occupants of the property will be responded to and handled as a call for service, without charge to the owner.

The program has been received well by the community.

Memo to City Commission
Page 2

If you have any questions, please feel free to contact me.

EMS/act

Attachment

CCO1807-13

RESOLUTION NO. 2013-__

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA AUTHORIZING THE CITY MANAGER TO EXECUTE THE ATTACHED TRAFFIC CONTROL JURISDICTION AGREEMENT BETWEEN TURNBERRY VILLAGE AND THE CITY OF AVENTURA; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, THAT:

Section 1. The City Manager is hereby authorized to execute the attached Traffic Control Jurisdiction Agreement between Turnberry Village and the City of Aventura.

Section 2. The City Manager is hereby authorized to do all things necessary to carry out the aims of this Resolution.

Section 3. This Resolution shall become effective immediately upon its adoption.

The foregoing Resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Commissioner Enbar Cohen	_____
Commissioner Teri Holzberg	_____
Commissioner Billy Joel	_____
Commissioner Howard Weinberg	_____
Commissioner Luz Urbáez Weinberg	_____
Vice Mayor Michael Stern	_____
Mayor Susan Gottlieb	_____

Resolution No. 2013-__
Page 2

PASSED AND ADOPTED this 3rd day of September, 2013.

SUSAN GOTTLIEB, MAYOR

ATTEST:

TERESA M. SOROKA, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY



TRAFFIC CONTROL JURISDICTION AGREEMENT

THIS AGREEMENT is made and entered into this 26th day of June, 2013
by and between Turnberry Village,
(the "Owner") and the City of Aventura, Florida, a Florida municipal corporation (the
"City").

RECITALS

A. Owner owns fee simple title to all the private roadways within the area
described as follows:

Turnberry Village 19900 E. Country Club
Drive Aventura, FL, 33180

of Dade County, Florida, and commonly known as Turnberry Village
(the "Private Roads").

B. Owner desires the City to exercise traffic control jurisdiction over the Private
Roads, and City desires to exercise such traffic control jurisdiction, pursuant to Florida
State Statutes 316.006.

NOW, THEREFORE, for Ten and No/100 Dollars (\$10.00) and other good and
valuable consideration, the receipt and sufficiency of which are hereby acknowledged,
Owner and City agree as follows:

1. Recitals. The foregoing Recitals are true and correct and are incorporated
herein by this reference.

2. Traffic Control Jurisdiction Services. The City agrees to exercise traffic control jurisdiction over the Private Roads in accordance with the following terms and conditions.

(a) City shall provide for Police Officers of its Police Department to patrol, by motor vehicle, the Private Roads, in accordance with the schedule and manpower indicated on Exhibit "A" attached hereto, subject to availability.

(b) In exercising such traffic control jurisdiction, the City shall enforce the traffic laws generally applicable to streets and highways under the City's original jurisdiction which are similar in nature to the Private Roads.

(c) The City's exercise of traffic control jurisdiction pursuant to this Agreement shall be in addition to the jurisdictional authority presently exercised by the City over the Private Roads under law, and nothing herein shall be construed to limit or remove any such jurisdictional authority, the City agreeing to continue to provide such other police services as are otherwise provided under law.

(d) In addition to exercising traffic control jurisdiction over the Private Roads as indicated on Exhibit "A", the City shall be entitled to exercise traffic control jurisdiction, even when not requested by Owner; provided, however, the City shall not be entitled to any compensation from Owner pursuant to Paragraph 3 below for exercising such discretionary additional traffic control jurisdiction, although the City shall be entitled to retain all revenues from traffic citations issued by the City for violations of traffic laws along the Private Roads, in accordance with law.

(e) Nothing in this Agreement shall require, authorize or permit the City to exercise any control or responsibility concerning the installation or maintenance of traffic control devices.

3. Compensation.

(a) Routine Patrol Activity - Except as provided in subsection (b), Owner shall not be responsible to pay the City any compensation for performing routine patrol activity pursuant to this Agreement. Routine Patrol Activity shall mean a level of patrol activity equivalent to that which is randomly provided on public roads. The City shall be entitled to retain all revenues from traffic citations issued by the City for violation of traffic laws along the Private Roads as provided by law. This shall not preclude the assessment of impact fees or other fees provided by law.

(b) Extended Patrol Activity - Owner shall compensate City for extended patrol activities conducted by the City on the Private Roads at Owner's request in accordance with the rate schedule enumerated in Exhibit "B". Extended Patrol Activity shall mean any patrol outside of the scope of the City's routine patrol of the Private Roads requested by the Owner that requires more than one (1) hour additional patrol time within any twenty-four hour period.

4. Liability Not Increased. Neither the existence of this Agreement nor anything contained herein shall give rise to any greater liability on the part of the City

than the City would ordinarily be subjected to when providing its normal police services as routinely provided throughout the City.

5. Term. The term of this Agreement shall be one (1) year commencing on the date hereof and ending one (1) year following the date hereof, and shall thereafter automatically continue for successive one (1) year terms, unless terminated by either party upon written notice to the other party given at least thirty (30) days prior to the expiration of the then-applicable one (1) year term.

6. Entire Agreement. This Agreement constitutes the entire understanding and agreement of the parties with respect to the subject matter hereof and may not be changed, altered or modified except by an instrument in writing signed by the party against whom enforcement of such change would be sought.

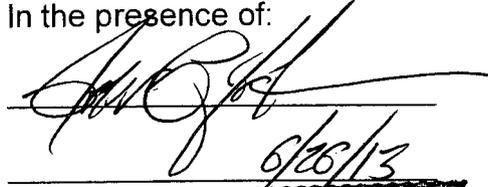
7. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Florida. Venue for any litigation between the parties for any controversy arising from or related to this Agreement shall be in the 11th Judicial Circuit in and for Miami-Dade County, Florida. The parties hereby voluntarily waive any right to trial by jury for any litigation between the parties which arises out of this Agreement or the provision of law enforcement services to Owner hereunder.

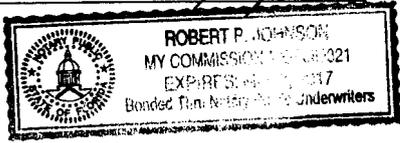
8. Indemnification and Insurance. Owner agrees to defend, indemnify and hold the City harmless from any claim, demand, suit, loss, cost, expense or damage which may be asserted, claimed or recovered against or from the City by reason of any property damage or bodily injury, including death, sustained by any person whomsoever, which said claim, demand, suit, loss, cost, expense or damage arises out of or is incidental to or in any way connected with this Agreement, and regardless of

whether such claim, demand, suit, loss, damage, cost or expense is caused in whole or in part by City's negligence, or by the negligence of City's agents, servants or employees. In support, but not in limitation of this indemnification provision, Owner hereby agrees to maintain and pay all premiums for a policy of comprehensive general liability insurance in an amount of not less than \$300,000 combined single limit insurance covering any occurrence on or adjacent to the Private Roads described above, resulting in property damage or bodily injury or death to person or persons. Such insurance policy shall name the City and City's officers, agents and employees as additional insured with respect to traffic control or enforcement of the Private Roads and shall provide for 30 days prior written notice of any cancellation or change in scope or amount of coverage of such policy. Owner shall furnish City with a Certificate of Insurance evidencing compliance with the provisions of this section.

EXECUTED as of the date first above written in several counterparts, each of which shall be deemed an original, but all constituting one Agreement.

Signed, sealed and delivered
In the presence of:


6/26/13



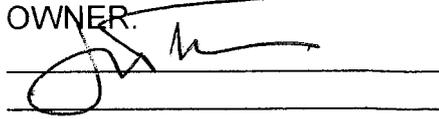
ATTEST:

Teresa M. Soroka, MMC
City Clerk

Approved as to Legal Sufficiency:

City Attorney

OWNER: _____



By JORGE TAUBKIN
President Master

CITY OF AVENTURA, a Florida
Municipal corporation

By _____
Eric M. Soroka, ICMA-CM
City Manager

EXHIBIT "A"

Patrol

Aventura Police Officers in marked police vehicles or motorcycles may patrol the Private Roads on a random basis each day. Whenever possible, Traffic complaints made by occupants of the property, will be responded to and handled as a call for service, without charge to the Owner. Traffic complaints that require Extended Patrol Activity, where the cost of service will be billed to the Owner, will only be conducted with prior approval of the Owner. When requested by the Owner to perform specific traffic enforcement duties, the Owner will be billed in accordance with Exhibit "B".

EXHIBIT "B"

Compensation

The City will bill the Owner \$25.00 per hour for each officer requested to perform the Extended Patrol Activity.



PHILADELPHIA INSURANCE COMPANIES

A Member of the Tokio Marine Group

One Bala Plaza, Suite 100
Bala Cynwyd, Pennsylvania 19004
610.617.7900 Fax 610.617.7940
PHLY.com

Philadelphia Indemnity Insurance Company COMMON POLICY DECLARATIONS

Policy Number: PHPK1020906

Named Insured and Mailing Address:
Turnberry Village Master Association, In
19950 E Country Club Dr
Aventura, FL 33180-3101

Producer: 5998
USI INSURANCE SERVICES, LLC
200 W Cypress Creek Rd Ste 600
Ft Lauderdale, FL 33309

Policy Period From: 05/15/2013 **To:** 05/15/2014

at 12:01 A.M. Standard Time at your mailing
address shown above.

Business Description: Homeowners Association

IN RETURN FOR THE PAYMENT OF THE PREMIUM, AND SUBJECT TO ALL THE TERMS OF THIS
POLICY, WE AGREE WITH YOU TO PROVIDE THE INSURANCE AS STATED IN THIS POLICY.

THIS POLICY CONSISTS OF THE FOLLOWING COVERAGE PARTS FOR WHICH A PREMIUM IS
INDICATED. THIS PREMIUM MAY BE SUBJECT TO ADJUSTMENT.

	PREMIUM
Commercial Property Coverage Part	
Commercial General Liability Coverage Part	18,579.73
Commercial Crime Coverage Part	
Commercial Inland Marine Coverage Part	
Commercial Auto Coverage Part	188.23
Businessowners	
Workers Compensation	

	Total	\$ 18,767.96
Total Includes Fees and Surcharges (See Schedule Attached)		421.96
Total Includes Federal Terrorism Risk Insurance Act Coverage		95.00

FORM (S) AND ENDORSEMENT (S) MADE A PART OF THIS POLICY AT THE TIME OF ISSUE
Refer To Forms Schedule

*Omits applicable Forms and Endorsements if shown in specific Coverage Part/Coverage Form Declarations

CPD- PIIC (01/07)

Countersignature Date

Authorized Representative

Philadelphia Indemnity Insurance Company

Form Schedule – Policy

Policy Number: PHPK1020906

Forms and Endorsements applying to this Coverage Part and made a part of this policy at time of issue:

Form	Edition	Description
Recurring Payment Flyer	1212	Recurring Payment Flyer
CSNotice-1	1011	Making Things Easier
BJP-190-1	1298	Commercial Lines Policy Jacket
PI-Notice	0400	Florida Complaint Notice
CPD-PIIC	0107	Common Policy Declarations
Location Schedule	0100	Location Schedule
Additional Insured Schedule	0100	Additional Insured Schedule
Fees and Surcharge Schedule	0110	Fees and Surcharge Schedule
PP-0701	0701	Privacy Policy Notice
PI-BELL-1 FL	0410	Bell Endorsement
PI-CME-1	1009	Crisis Management Enhancement Endorsement
IL0017	1198	Common Policy Conditions
IL0021	0908	Nuclear Energy Liability Exclusion Endorsement
IL0985	0108	Disclosure Pursuant to Terrorism Risk Insurance Act
PI-LCN	0901	Florida Policy Holder Notice
PI-TER-DN1 FL	0308	Disclosure Notice of Terrorism Ins Coverage Rejection

Philadelphia Indemnity Insurance Company

Locations Schedule

Policy Number: PHPK1020906

Premis. No.	Bldg. No.	Address
0001	ALL	19950 E Country Club Dr Aventura, FL 33180-4601

Philadelphia Indemnity Insurance Company

Policy Number: PHPK1020906

Philadelphia Indemnity Insurance Company

Fees and Surcharge Schedule

Policy Number: **PHPK1020906**

Policy Term Effective Date: **05/15/2013**

Policy Term Expiration Date: **05/15/2014**

Florida Citizens 2005 Emergency Assessment	\$	183.46
Florida Hurricane Catastrophe Fund Assessment 2011	\$	238.50

RECORDING AND DISTRIBUTION OF MATERIAL OR INFORMATION IN VIOLATION OF LAW EXCLUSION ENDORSEMENT ADVISORY NOTICE TO POLICYHOLDERS

This Notice does not form a part of your insurance contract. No coverage is provided by this Notice, nor can it be construed to replace any provisions of your policy (including its endorsements). If there is any conflict between this Notice and the policy (including its endorsements), **the provisions of the policy (including its endorsements) shall prevail.**

Carefully read your policy, including the endorsements attached to your policy.

This Notice provides information concerning the following new endorsement, which applies to your renewal policy being issued by us:

Recording And Distribution Of Material Or Information In Violation Of Law Exclusion Endorsement CG 00 68 05 09

This endorsement replaces the current Distribution Of Material In Violation Of Statutes Exclusion in your policy with a revised exclusion, newly titled Recording And Distribution Of Material Or Information In Violation Of Law Exclusion. The revised exclusion contains language that elaborates on the intent of the Distribution Of Material In Violation Of Statutes Exclusion to reflect that, in addition to the TCPA and CAN-SPAM Act of 2003, the exclusion will more explicitly exclude liability coverage for bodily injury, property damage or personal and advertising injury arising out of any action or omission that violates, or is alleged to violate, the Fair Credit Reporting Act (FCRA), and any amendment of or addition to such law, including the Fair and Accurate Credit Transactions Act (FACTA) and any other similar federal, state or local statute, ordinance or regulation concerning disposal and dissemination of personal information.

Philadelphia Indemnity Insurance Company

COMMERCIAL GENERAL LIABILITY COVERAGE PART DECLARATIONS

Policy Number: PHPK1020906

Agent # 5998

See Supplemental Schedule

LIMITS OF INSURANCE

\$	2,000,000	General Aggregate Limit (Other Than Products – Completed Operations)
\$	2,000,000	Products/Completed Operations Aggregate Limit (Any One Person Or Organization)
\$	1,000,000	Personal and Advertising Injury Limit
\$	1,000,000	Each Occurrence Limit
\$	100,000	Rented To You Limit
\$	5,000	Medical Expense Limit (Any One Person)

FORM OF BUSINESS: CORPORATION

Business Description: Homeowners Association

Location of All Premises You Own, Rent or Occupy: **SEE SCHEDULE ATTACHED**

AUDIT PERIOD, ANNUAL, UNLESS OTHERWISE STATED: N/A

Classifications	Code No.	Premium Basis	Rates		Advance Premiums	
			Prem./ Ops.	Prod./ Comp. Ops	Prem./ Ops.	Prod./ Comp. Ops.
SEE SCHEDULE ATTACHED						
TOTAL PREMIUM FOR THIS COVERAGE PART:					\$ 18,579.73	\$

RETROACTIVE DATE (CG 00 02 ONLY)

This insurance does not apply to "Bodily Injury", "Property Damage", or "Personal and Advertising Injury" which occurs before the retroactive date, if any, shown below.

Retroactive Date: _____

FORM (S) AND ENDORSEMENT (S) APPLICABLE TO THIS COVERAGE PART: Refer To Forms Schedule

Countersignature Date

Authorized Representative

Philadelphia Indemnity Insurance Company

Form Schedule – General Liability

Policy Number: PHPK1020906

Forms and Endorsements applying to this Coverage Part and made a part of this policy at time of issue:

Form	Edition	Description
CGP011	0509	Recording and Distribution of Material or Information
Gen Liab Dec	1004	Commercial General Liability Coverage Part Declaration
Gen Liab Schedule	0100	General Liability Schedule
CG0001	1207	Commercial General Liability Coverage Form
CG0068	0509	Recording and Distribution of Material or Information
CG0220	0312	Florida Changes - Cancellation and Nonrenewal
CG2002	1185	Additional Insured - Club Members
CG2017	1093	Additional Insured-Townhouse Associations
	0704	
CG2147	1207	Employment-Related Practices Exclusion
CG2167	1204	Fungi or Bacteria Exclusion
CG2416	1207	Canoes Or Rowboats
CG3380	0210	Florida Changes - Binding Arbitration
PI-GL-001	0894	Exclusion - Lead Liability
PI-GL-002	0894	Exclusion - Asbestos Liability
	0100	
PI-MANU-2	0100	Exclusion - Martial Arts
PI-MANU-2	0100	Exclusion - Trampoline
PI-PU-1	0595	Exclusion - Subsidence

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s)
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

- A. In the performance of your ongoing operations; or
- B. In connection with your premises owned by or rented to you.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY

All other terms and conditions of this Policy remain unchanged.

CITY OF AVENTURA
OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: City Commission

FROM: Eric M. Soroka, ICMA-CM, City Manager 

DATE: July 12, 2013

SUBJECT: **Resolution Declaring Equipment Surplus**

September 3, 2013 Commission Meeting Agenda Item 5-c

RECOMMENDATION

It is recommended that the City Commission adopt the attached Resolution declaring certain equipment as surplus to the needs of the City.

BACKGROUND

Section 2-258 of the City Code of Ordinances provides that any property owned by the City which has become obsolete or which has outlived its usefulness may be disposed of in accordance with procedures established by the City Manager, so long as the property has been declared surplus by a resolution of the City Commission.

If you have any questions, please feel free to contact me.

EMS/act

Attachment

RESOLUTION NO. 2013-__

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA DECLARING CERTAIN PROPERTY LISTED UNDER THE ASSETS OF THE CITY AS SURPLUS TO THE NEEDS OF THE CITY; DESCRIBING THE MANNER OF DISPOSAL; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Manager desires to declare certain property as surplus to the needs of the City; and

WHEREAS, Ordinance No. 2000-09 provides that all City-owned property that has been declared surplus cannot be disposed of prior to the preparation and formal approval of a resolution by the City Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, THAT:

Section 1. Recitals Adopted. The above recitals are hereby confirmed and adopted herein.

Section 2. The property listed on Exhibit "A" has been declared surplus and is hereby approved for disposal.

Section 3. The City Manager is authorized to dispose of the property listed on Exhibit "A" through a public auction, sale, trade-in, transfer to other governmental agency or, if of no value, discarded.

Section 4. The City Manager is hereby authorized to do all things necessary to carry out the aims of this Resolution.

Section 5. This Resolution shall become effective immediately upon its adoption.

The foregoing Resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Commissioner Enbar Cohen	_____
Commissioner Teri Holzberg	_____
Commissioner Billy Joel	_____
Commissioner Howard Weinberg	_____
Commissioner Luz Urbaez Weinberg	_____
Vice Mayor Michael Stern	_____
Mayor Susan Gottlieb	_____

PASSED AND ADOPTED this 3rd day of September, 2013.

SUSAN GOTTLIEB, MAYOR

ATTEST:

TERESA M. SOROKA, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

**CITY OF AVENTURA
POLICE DEPARTMENT
INTER OFFICE MEMORANDUM**

TO: Eric M. Soroka, City Manager

FROM: ~~Steven Steinberg~~, Chief of Police

DATE: 10 July 2013

SUBJECT: Surplus Property

I would like to have the attached listed items, owned by the City of Aventura, declared Surplus Property as per City of Aventura APDP, Chapter 6, Subsection 5, Page 1, as these items have become inadequate for public purposes:

1 – Lexmark IBM Wheelwriter 1000 typewriter
Asset # 0316

This unit is approximately 15 years old and has stopped working; cost prohibitive to repair

Date: August 22, 2013
To: Eric M. Soroka, City Manager
From: Julie Alm, Principal
Re: Surplus technology

We are requesting approval to surplus computers that are out of warranty and have been replaced and miscellaneous items detailed below.

Attached is a listing that includes the serial numbers for computers.

69 Computers
1 Power cord
5 Power blocks
3 Keyboards
80 Monitor stands
15 Smart boards

Thank you

PROPERTY ROOM.COM



Name or Department:
Pickup Address:

City of Aventura
19200 W. Country Club Drive
Aventura, FL 33180

Date: Aug 22, 2013

Line #	Qty	Description	Unit Price	Part Code (SKU)
1	1	Drill	745	4X1GCD1
2	1		745	6VLFCD1
3	1		745	FZ1GCD1
4	1		745	D4NFCD1
5	1		745	G001GCD1
6	1		745	622GCD1
7	1		745	862GCD1
8	1		745	GYMFCD1
9	1		745	3D2GCD1
10	1		745	GC2GCD1
11	1		745	DB2GCD1
12	1		745	H8MFCD1
13	1		745	B62GCD1
14	1		745	FY1GCD1
15	1		745	2VLFCD1

Name or Department:
Pickup Address:

City of Aventura
19200 W. Country Club Drive
Aventura, FL 33180

Date

PROPERTY ROOM.COM

2

Blank

Line #				PN Bar Code (SKU)
16		DELL	753	35X25G1
17			11	3LX25G1
18			11	29Q25G1
19			11	44Q25G1
20				69Q25G1
21				3KX25G1
22				JHX25G1
23				B2P25G1
24				D2Q25G1
25				5LX25G1
26				72P25G1
27				JYP25G1
28				F7Q25G1
29				FKX25G1
30				12Q25G1

Name or Department:
Pickup Address:

City of Aventura
19200 W. County Club Drive
Aventura, FL 33180

Date

PROPERTY
ROOM.COM

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Line	Qty	Description	Unit	PR. Ref. Code (SKU)
31		Dell	755	75025G1
32				75X25G1
33				68025G1
34				68025G1
35				50025G1
36				52025G1 (Date)
37				RKX25G1
38				D1025G1
39				34025G1
40				15025G1
41				66025G1
42				H6025G1
43				C5X25G1
44				9LX25G1
45			745	F220CD1

Name or Department:
Pickup Address:

City of Aventura
19200 W. Country Club Drive
Aventura, FL 33180

Date

PROPERTY
ROOM.COM

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④

Line						PR Air Code (SKU)
465	1		745	24NFCD1		
472		De11	745	H1MFCD1		
48			745	45NFCD1		
49			745	28NFCD1		
50			745	3XLFCD1		
51			745	JC2GCD1		
52			745	B1MFCD1		
53			745	B22GCD1		
54			745	8XMFCD1		
55			745	162GCD1		
56			745	57MFCD1		
57			745	C2MFCD1		
58			745	4B2GCD1		
59				6X1GCD1		
60				562GCD1		

Name or Department:
Pickup Address:

City of Aventura
19200 W. Country Club Drive
Aventura, FL 33180

Date: Aug 22, 2013

PROPERTY
ROOM ROOM

Blank


Line						PR Bar Code (SKU)
61	Box			POWER CARDS		
62	Box			POWER Blocks		
63	Box			UNIT COVERS		
64	Box			KEY BOARDS USED		
65	Box			KEY BOARDS USED		
66	Box			KEYBOARDS		
67	Box			POWER Blocks		
68	Box			POWER Blocks		
69	Box			POWER Blocks		
70	Box			MONITOR STANDS	NEW	
71	Pallet	80		SMALL BOARDS		
72	15					

CITY OF AVENTURA
OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: City Commission

FROM: Eric M. Soroka, ICMA-CM, City Manager

DATE: July 29, 2013

SUBJECT: **Disbursement of Police Forfeiture Funds**



September 3, 2013 City Commission Meeting Agenda Item 5-D

RECOMMENDATION

It is recommended that the City Commission adopt the following Motion to expend funds from the Police Forfeiture Fund:

“Motion authorizing the appropriation of up to \$40,000 for ballistic vests and shields from the Police Forfeiture Funds in accordance with the City Manager’s memorandum.”

If you have any questions, please feel free to contact me.

EMS/act

Attachment

CCO1808-13

CITY OF AVENTURA
POLICE DEPARTMENT
INTER OFFICE MEMORANDUM

TO: Eric M. Soroka, City Manager
FROM: ~~Steven Steinberg, Chief of Police~~
DATE: 17 July 2013
SUBJECT: Use of Forfeiture Funds

The Federal Equitable Sharing Agreement (FESA), Section VIII allows for the use of federally forfeited funds for law enforcement. Section IX, A9 of the Federal Equitable Sharing agreement requires that the funds be expended only upon request of the Chief of Police to the governing body of the municipality and approval of the governing body.

I am requesting City Commission approval for the expenditure of:

Ballistic vests and shields	\$40,000
Total Expenditure Request:	\$40,000

Summary

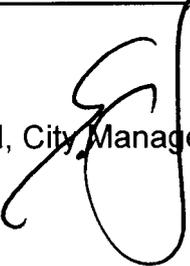
Ballistic vests and shields – Each SWAT team member is issued a ballistic vest used in the performance of SWAT duties. All team members' vests are issued at the same time; therefore, they all expire at the same time. This request is to replace vests that are due to expire. Additionally, I am requesting funds to purchase two new ballistic shields for the SWAT team to be used as protection from firearms when performing SWAT team functions.

I am asking that the Commission approve that forfeiture funds can be expended up to \$40,000 toward these purchases.

CITY OF AVENTURA
OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: City Commission

FROM: Eric M. Soroka, ICMA-CM, City Manager 

DATE: July 29, 2013

SUBJECT: **Appointment of Special Master for Code Enforcement Process**

September 3, 2013 City Commission Meeting Agenda Item 5-E

RECOMMENDATION

It is recommended that the City Commission ratify the City Manager's appointment of Sheldon R. Schwartz as Special Master for the City of Aventura Code Enforcement process.

BACKGROUND

Section 4 of Ordinance 96-14 which established the City's Code Enforcement Process provides for the City Manager to appoint Special Masters, subject to City Commission ratification, for a term of one year. The above-referenced individual is submitted to you for appointment as Special Master. With his appointment we will have available three Special Masters to handle the Red Light Traffic Appeal Process.

If you have any questions please feel free to contact me.

EMS/act

Attachment

CCO1810-13

Judge Sheldon R.Schwartz(ret.) **

EDUCATION:

1961-1965 Monmouth College Long Branch, New Jersey

B.S.in Political Science(Psych.)

1965-1968 Suffolk University Law School Boston, Mass.

Juris Doctorate

ADMITTED TO PRACTICE OF LAW:

Florida; District of Columbia, New York

PROFESSIONAL CAREER:

1969-1971 Broad and Cassel Miami Beach, Florida

Associate attorney interviewing clients, writing pleadings, court appearances. Primary practice real estate, banking, corporate.

1970-1978 Kastenbaum, Mamber, Gopman, Epstein and

Foosner North Miami Beach, Florida

Associate attorney interviewing clients, writing pleadings court appearances. In 1976 was made partner (firm changed names from above to Mamber Gopman, Epstein and Foosner, Mamber Gopman, Epstein and Elster. Primary practice union/labor relations, banking, real estate negligence (federal and state) criminal, divorce.

1978-1980 Coleman and Schwartz P.A. and Coleman Schwartz Seifman and Lechner P.A. North Miami Beach, Florida and Washington, D.C. Primary practice E.R.I.S.A.; union/labor relations, criminal, divorce.

1981-1996 Entin, Schwartz et al. North Miami Beach, Florida, Key West, Florida and Fort Lauderdale, Florida. (names added and deleted numerous times other than above two primary partners) Primary practice criminal, appellate, administrative, divorce

negligence.

1996-1997 The law Offices of Sheldon R.Schwartz
Resigned from Entin,Schwartz to run for
County Court.

1997-2012 COUNTY COURT JUDGE OF THE ELEVENTH
JUDICIAL CIRCUIT OF FLORIDA

MEMBERSHIP IN PROFFESIONAL ASSOCIATIONS:

Florida Bar Association*';District of Columbia Bar
Association*';New York State Bar Association*,
Dade County Bar Association*,American Bar
Association,Florida Criminal Defense Bar
Association,Dade County Criminal Bar
Association',Broward County Criminal Bar
Association;North Dade Bar Association'.

JUDICIAL ASSOCIATIONS:

American Judges Association 1998-2012, Florida

FLORIDA CONFERENCE OF COUNTY COURT JUDGES 1991-
2012 (December 31, 2012 Retirement)

OTHER ASSOCIATIONS OF NOTE:

Member of board for first Latin American Advisory Board
Of Miami Beach 1971-1973.

Member of board for Operation Re-Entry (drug program)
Approximately 1972-1976

Member of board for Here's Help approximately 1977-1981
Mediator/Judge for North Miami Beach City Court approx.
1976-1979

Served as public defender and then City Prosecutor for City
Of North Miami Beach from approximately 1974-1978.

FLORIDA SUPREME COURT PROFESSIONALISM COMMITTEE

Member of board Concept House approx 2004-present

(*served as member of committee and or chairman)

Constitutes partial curriculum vitae but it is up to date.**

CITY OF AVENTURA
OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: City Commission

FROM: Eric M. Soroka, ICMA-CM, City Manager 

DATE: July 30, 2013

SUBJECT: **Resolution Amending Comprehensive Commission Meeting and Agenda Procedures**

September 3, 2013 City Commission Meeting Agenda Item 5F

RECOMMENDATION

It is recommended that the City Commission adopt the attached amendment to the Comprehensive Commission Meeting and Agenda Procedures to comply with Section 286.0114, F.S. (2013).

BACKGROUND

Section 286.0114 of the Florida Statutes was amended this past legislative session to provide reasonable opportunity for the public to be heard on Commission Agenda items (see attached). Although the City has consistently provided ample opportunity for public input, the attached amendment to Comprehensive Commission Meeting and Agenda Procedures is recommended for compliance with the new law. The revision provides that if the public wishes to speak on a matter on the consent agenda, they must inform the City Clerk prior to the start of the meeting. They will be recognized to speak prior to the approval of the consent agenda. This revision is effective October 1, 2013 as is the amendment to the State Statute.

If you have any questions, please feel free to contact me.

EMS/act

Attachment

CCO1811-13

201350er

1
2 An act relating to public meetings; creating s.
3 286.0114, F.S.; defining "board or commission";
4 requiring that a member of the public be given a
5 reasonable opportunity to be heard by a board or
6 commission before it takes official action on a
7 proposition; providing exceptions; establishing
8 requirements for rules or policies adopted by the
9 board or commission; providing that compliance with
10 the requirements of this section is deemed to have
11 occurred under certain circumstances; providing that a
12 circuit court has jurisdiction to issue an injunction
13 under certain circumstances; authorizing a court to
14 assess reasonable attorney fees in actions filed
15 against a board or commission; providing that an
16 action taken by a board or commission which is found
17 in violation of this section is not void; providing
18 that the act fulfills an important state interest;
19 providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Section 286.0114, Florida Statutes, is created
24 to read:

25 286.0114 Public meetings; reasonable opportunity to be
26 heard; attorney fees.-

27 (1) For purposes of this section, "board or commission"
28 means a board or commission of any state agency or authority or
29 of any agency or authority of a county, municipal corporation,

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30 or political subdivision.

31 (2) Members of the public shall be given a reasonable
32 opportunity to be heard on a proposition before a board or
33 commission. The opportunity to be heard need not occur at the
34 same meeting at which the board or commission takes official
35 action on the proposition if the opportunity occurs at a meeting
36 that is during the decisionmaking process and is within
37 reasonable proximity in time before the meeting at which the
38 board or commission takes the official action. This section does
39 not prohibit a board or commission from maintaining orderly
40 conduct or proper decorum in a public meeting. The opportunity
41 to be heard is subject to rules or policies adopted by the board
42 or commission, as provided in subsection (4).

43 (3) The requirements in subsection (2) do not apply to:

44 (a) An official act that must be taken to deal with an
45 emergency situation affecting the public health, welfare, or
46 safety, if compliance with the requirements would cause an
47 unreasonable delay in the ability of the board or commission to
48 act;

49 (b) An official act involving no more than a ministerial
50 act, including, but not limited to, approval of minutes and
51 ceremonial proclamations;

52 (c) A meeting that is exempt from s. 286.011; or

53 (d) A meeting during which the board or commission is
54 acting in a quasi-judicial capacity. This paragraph does not
55 affect the right of a person to be heard as otherwise provided
56 by law.

57 (4) Rules or policies of a board or commission which govern
58 the opportunity to be heard are limited to those that:

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59 (a) Provide guidelines regarding the amount of time an
60 individual has to address the board or commission;

61 (b) Prescribe procedures for allowing representatives of
62 groups or factions on a proposition to address the board or
63 commission, rather than all members of such groups or factions,
64 at meetings in which a large number of individuals wish to be
65 heard;

66 (c) Prescribe procedures or forms for an individual to use
67 in order to inform the board or commission of a desire to be
68 heard; to indicate his or her support, opposition, or neutrality
69 on a proposition; and to indicate his or her designation of a
70 representative to speak for him or her or his or her group on a
71 proposition if he or she so chooses; or

72 subject (d) Designate a specified period of time for public
73 comment;

74 (5) If a board or commission adopts rules or policies in
75 compliance with this section and follows such rules or policies
76 when providing an opportunity for members of the public to be
77 heard, the board or commission is deemed to be acting in
78 compliance with this section.

79 (6) A circuit court has jurisdiction to issue an injunction
80 for the purpose of enforcing this section upon the filing of an
81 application for such injunction by a citizen of this state.

82 (7) (a) Whenever an action is filed against a board or
83 commission to enforce this section, the court shall assess
84 reasonable attorney fees against such board or commission if the
85 court determines that the defendant to such action acted in
86 violation of this section. The court may assess reasonable
87 attorney fees against the individual filing such an action if

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88 the court finds that the action was filed in bad faith or was
89 frivolous. This paragraph does not apply to a state attorney or
90 his or her duly authorized assistants or an officer charged with
91 enforcing this section.

92 (b) Whenever a board or commission appeals a court order
93 that has found the board or commission to have violated this
94 section, and such order is affirmed, the court shall assess
95 reasonable attorney fees for the appeal against such board or
96 commission.

97 (8) An action taken by a board or commission which is found
98 to be in violation of this section is not void as a result of
99 that violation.

100 Section 2. The Legislature finds that a proper and
101 legitimate state purpose is served when members of the public
102 have been given a reasonable opportunity to be heard on a
103 proposition before a board or commission of a state agency or
104 authority, or of an agency or authority of a county, municipal
105 corporation, or political subdivision. Therefore, the
106 Legislature determines and declares that this act fulfills an
107 important state interest.

108 Section 3. This act shall take effect October 1, 2013.

RESOLUTION NO. 2013 - ____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AMENDING RESOLUTION NO. 96-18, WHICH ESTABLISHED COMPREHENSIVE COMMISSION MEETING AND AGENDA PROCEDURES, AS AMENDED BY RESOLUTION NO. 2000-36, RESOLUTION NO. 2001-26, AND RESOLUTION NO. 2005-15; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Resolution No. 96-18, as amended by Resolution No. 2000-36 , Resolution No. 2001-26, and Resolution No. 2005-15, provide comprehensive Commission meeting and agenda procedures; and

WHEREAS, the City Commission is desirous of providing further amendments to the comprehensive Commission meeting and agenda procedures in order to comply with Section 286.0114, F.S. (2013) .

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA AS FOLLOWS:¹

Section 1. That Section 2 (f) of Resolution No. 96-18, as amended by Section 4 of Resolution No. 2001-26, is hereby further amended by amending paragraph iii “Consent Agenda”, to read as follows:

Consent Agenda. There shall be a consent agenda during each regular City Commission meeting. The consent agenda shall contain Resolutions, approval of minutes, motions and other pertinent matters which, in the opinion of the City Manager, may be handled and implemented without necessity for discussion. Unless a Commissioner specifically requests that an item be removed from the consent agenda, such items shall be approved and adopted by a single motion and roll call vote. In the event that any member of the public

¹ Additions to existing procedures are shown by underline; deletions from existing procedures are shown by ~~strikeout~~.

wishes to speak on a matter that is on the consent agenda, that person must simply so inform the City Clerk prior to the start of the meeting, and he or she will be recognized to speak by the Mayor prior to the Commission voting upon the approval of the consent agenda.

Section 2. Conflicts. That all Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 3. Implementation. That the City Manager is authorized to take any action which is necessary to implement this Resolution or to implement any of the applicable requirements of Section 286.0114, F.S. (2013).

Section 4. Severability. That if any clause, section, or other part or application of this Resolution shall be held by and Court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications of this Resolution, with such unaffected provisions or applications remaining in full force and effect.

Section 5. Effective Date. That this Resolution shall become effective immediately from and after October 1, 2013.

The foregoing resolution was offered by Commissioner _____, who moved its adoption.

The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Commissioner Enbar Cohen	_____
Commissioner Teri Holzberg	_____
Commissioner Billy Joel	_____
Commissioner Howard Weinberg	_____
Commissioner Luz Urbaz Weinberg	_____
Vice Mayor Michael Stern	_____
Mayor Susan Gottlieb	_____

PASSED AND ADOPTED this 3rd day of September, 2013.

Attest:

Susan Gottlieb, Mayor

Teresa M. Soroka, MMC
City Clerk

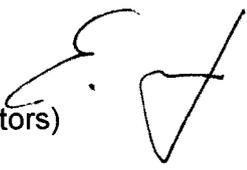
Approved as to Form and Legal Sufficiency:
City Attorney

David M. Wolpin

CITY OF AVENTURA

FINANCE DEPARTMENT

MEMORANDUM

TO: City Commission (ACES Board of Directors) 

From Eric M. Soroka, City Manager, ICMA-CM

By:  Brian K. Raducci, Finance Director

DATE: August 21, 2013

SUBJECT: **Special Purpose Financial Report for ACES FY June 30, 2013**

September 3, 2013 City Commission Meeting Agenda Item 5G

Recommendation

It is recommended that the City Commission approve the following motion:

“Motion to accept for filing the Special Purpose Financial Report for the Aventura City of Excellence School for the fiscal year ended June 30, 2013 and to accept for filing that letter dated August 19, 2013 attached hereto as Attachment 1.”

Background

The Special Purpose Financial Report for ACES was distributed to the Mayor and Commissioners on August 21, 2013 along with our memorandum. In addition, a letter dated August 19, 2013 from the auditors was attached to the Commission agenda for your review.

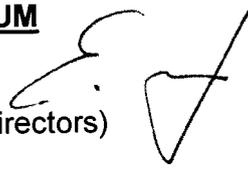
The Rules of the Auditor General, Chapter 10.550, requires that the Report be filed as an official record at a public meeting. This motion satisfies that requirement. In addition, the independent audit firm, Keefe, McCullough & Co., LLP, has requested that the letter dated August 19, 2013, identified as Attachment I, be accepted for filing with the City Commission.

A representative of Keefe, McCullough & Co., LLP, the audit firm, will be present at the meeting. However, since the Report is the responsibility of the City, I respectfully request that any questions be discussed with the City Manager prior to the meeting.

CITY OF AVENTURA

FINANCE DEPARTMENT

MEMORANDUM

TO: City Commission (ACES Board of Directors) 

THROUGH: Eric M. Soroka, City Manager, ICMA-CM

FROM:  Brian K. Raducci, Finance Director

DATE: August 21, 2013

SUBJECT: **Aventura City of Excellence School (the "School")
Special Purpose Financial Report**

Background

As required by State law and our Charter School Contract with the Miami-Dade County Public School District, we have prepared the attached School's financial statements for the fiscal year ended June 30, 2013. These statements encompass the 10th year of the School's operations and were audited by Keefe, McCullough & Co., LLP.

The Report complies with Generally Accepted Accounting Principles (GAAP), which includes Governmental Accounting Standard Board (GASB) Statement No 34. The cover reflects that the Report contains the "Special Purpose Financial Report" for the "Aventura City of Excellence School, a Special Revenue Fund of the City of Aventura, Florida." As a result, the School's financial operations will be reflected in the City's Comprehensive Annual Financial Report for the fiscal year ended September 30, 2013, as well as in this Report.

The key schedules in this Report are – 1.) Statement of Revenues, Expenditures and Change in Fund Balance – Governmental Fund and; 2.) the Statement of Revenues and Expenditures Budget and Actual – Special Revenue Fund, which can be found on pages 12 and 25, respectively. Please note that on page 25, revenue and expenditures (Actual Amounts GAAP Basis Column), aggregated \$7,464,209 and \$7,688,059 respectively. The negative net difference of \$223,850 when added to the beginning fund balance of \$2,105,419, resulted in an ending fund balance of \$1,881,569 (bottom of page 12). The fund balance decreased \$223,850 from the prior year which was less than the budgeted reserves of \$394,279 primarily due to the receipt of higher than anticipated revenues. Of the \$1,881,569 ending fund balance, \$204,969 is being utilized to balance the 2013/14 budget.

Actual Amounts of expenditures, on a budgetary basis, at the end of the 2012/13 school year, totaled \$7,657,622 based on a total budget of \$7,684,896 or 99.65% of budget.

Page (2)
Aventura City of Excellence School
Special Purpose Financial Statements

The balance of the Report contains the School's statements and a narrative on a GASB 34 basis. The purpose of the GASB 34 governmental financial statements is to more closely resemble the financial statements of non-governmental entities. Therefore, page 8 contains a Statement of Net Position which is reconciled to the Balance Sheet at the bottom of page 11. Similarly, the Statement of Activities (page 9) reflects a change in net position which is reconciled to the Statement of Revenues, Expenditures and Change in Fund Balance of the Governmental Fund at the bottom of page 13.

Whether you look at the School's operations from either a GASB 34 non-governmental basis (pages 8 – 9) or a traditional governmental basis (pages 10, 12 and 25), the School continues to operate well from both an educational and financial perspective.

The letter dated August 19, 2013 is also required to be distributed to the City Commission by generally accepted auditing standards and was accordingly attached to the September 3, 2013 City Commission Meeting Agenda. The Reports contained on pages 27 – 30 of the Special Purpose Financial Report are required by generally accepted auditing standards and the Rules of the Auditor General of the State of Florida. Please note that none of these documents contain any negative comments about the School's or City's operations.

Future Actions

A motion will be placed on the September 3, 2013 agenda, to satisfy the Auditor General's requirement (Chapter 10.550), that the Financial Reports be filed as an official record at a public meeting.

Upon your review of this memorandum, if you should have any questions, please feel free to contact the City Manager.



Keefe, McCullough & Co., LLP
Certified Public Accountants

August 19, 2013

To the Honorable Mayor,
Members of the City Commission and City Manager
of the City of Aventura, Florida
Aventura City of Excellence School
Aventura, Florida

We have audited the financial statements of the Aventura City of Excellence School (a special revenue fund of the City of Aventura, Florida) (the "School"), as of and for the year ended June 30, 2013. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards and *Government Auditing Standards*, as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our engagement letter to you dated May 2, 2013. Professional standards also require that we provide you with the following information related to our audit.

Significant Audit Findings

Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the School are described in Note 2 to the financial statements. No new accounting policies were adopted and the application of existing policies was not changed during the year ended June 30, 2013. We noted no transactions entered into by the School during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimate affecting the School's financial statements was:

- *Depreciation of capital assets* – Depreciation is provided on a straight-line basis over the respective estimated useful lives ranging from 3 to 25 years. Management has informed us they used all relevant facts available to them at the time of acquisition to make the best judgments about depreciation methods and estimated useful lives of capital assets.

We evaluated the key factors and assumptions used by management to develop and report the above estimate in determining that it is reasonable in relation to the financial statements taken as a whole.

The financial statement disclosures are neutral, consistent and clear.

Difficulties Encountered in Performing the Audit

We encountered no difficulties in dealing with management in performing and completing our audit.

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are trivial, and communicate them to the appropriate level of management. We did not identify material misstatements as a result of our audit procedures.

Disagreements with Management

For purposes of this letter, a disagreement with management is a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditors' report. We are pleased to report that no such disagreements arose during the course of our audit.

Management Representations

We have requested certain representations from management that are included in the management representation letter dated August 19, 2013.

Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the School's financial statements or a determination of the type of auditors' opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues

We are to discuss with the City Commission any major issues discussed with management in connection with our retention as auditors, including the application of accounting principles or auditing standards. There were no issues discussed with management in connection with our retention as auditors.

Other Matters

With respect to the supplementary information accompanying the financial statements, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

This information is intended solely for the use of the City Commission and management of the School and is not intended to be and should not be used by anyone other than these specified parties.

We would be pleased to discuss any questions that you may have.

Keefe, McCullough & Co., LLP
KEEFE, McCULLOUGH & CO., LLP

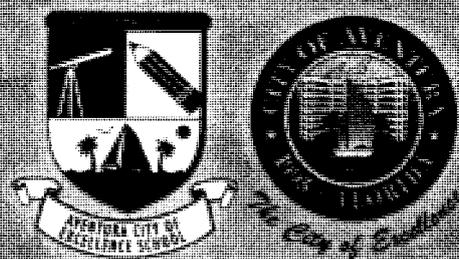
AVENTURA

CITY OF EXCELLENCE SCHOOL

A Special Revenue Fund of the
City of Aventura, Florida



Special Purpose Financial Report For the Fiscal Year Ended **June 30, 2013**



AVENTURA CITY OF EXCELLENCE SCHOOL
(A SPECIAL REVENUE FUND OF THE CITY OF AVENTURA, FLORIDA)

**BASIC FINANCIAL STATEMENTS AND
ADDITIONAL INFORMATION**

June 30, 2013

AVENTURA CITY OF EXCELLENCE SCHOOL
BASIC FINANCIAL STATEMENTS AND ADDITIONAL INFORMATION
June 30, 2013

TABLE OF CONTENTS

	<u>PAGES</u>
Independent Auditors' Report	1-2
Management's Discussion and Analysis (Not covered by Independent Auditors' Report)	3-7

BASIC FINANCIAL STATEMENTS

Government-wide Financial Statements:

Statement of Net Position	8
Statement of Activities	9

Fund Basic Financial Statements:

Balance Sheet - Governmental Fund	10
Reconciliation of the Balance Sheet of Governmental Fund to the Statement of Net Position	11
Statement of Revenues, Expenditures and Change in Fund Balance - Governmental Fund	12
Reconciliation of the Statement of Revenues, Expenditures and Change in Fund Balance of the Governmental Fund to the Statement of Activities	13
Notes to Basic Financial Statements	14-24

SUPPLEMENTARY INFORMATION (UNAUDITED)

Statement of Revenues and Expenditures Budget and Actual - Special Revenue Fund	25
Notes to Supplementary Information	26

OTHER INDEPENDENT AUDITORS' REPORTS

Independent Auditors' Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of the Financial Statements Performed in Accordance with <i>Government Auditing Standards</i>	27-28
Independent Auditors' Report to Management	29-30



INDEPENDENT AUDITORS' REPORT

To the Honorable Mayor, Members of the City Commission and City Manager
of the City of Aventura, Florida
Aventura City of Excellence School
Aventura, Florida

Report on the Financial Statements

We have audited the accompanying financial statements of the Aventura City of Excellence School, a special revenue fund of the City of Aventura, Florida (the "School"), as of and for the year ended June 30, 2013, and the related notes to the financial statements, which collectively comprise the School's basic financial statements as listed in the table of contents.

As discussed in Note 2, these financial statements present only the Aventura City of Excellence School, a special revenue fund of the City of Aventura, Florida. These financial statements do not purport to, and do not, present fairly the financial position of the City of Aventura, Florida, as of June 30, 2013 and its changes in financial position or budgetary comparisons, where applicable, for the year then ended in conformity with accounting principles generally accepted in the United States of America.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditors' Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

Aventura City of Excellence School

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the School, as of June 30, 2013, and the changes in its financial position, for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis and the budgetary comparison information as listed in the table of contents, respectively, be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated August 19, 2013, on our consideration of the School's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the School's internal control over financial reporting and compliance.

Keefe, McCullough & Co., LLP

KEEFE, McCULLOUGH & CO., LLP

Fort Lauderdale, Florida
August 19, 2013

**MANAGEMENT'S DISCUSSION
AND ANALYSIS**

AVENTURA CITY OF EXCELLENCE SCHOOL
MANAGEMENT'S DISCUSSION AND ANALYSIS
June 30, 2013

Our discussion and analysis of the Aventura City of Excellence School's (the "School") financial performance provides an overview of the School's financial activities for the fiscal year ended June 30, 2013. Please read it in conjunction with the School's basic financial statements which immediately follow this discussion.

OVERVIEW OF THE BASIC FINANCIAL STATEMENTS

This discussion and analysis is intended to serve as an introduction to the School's basic financial statements. The basic financial statements are comprised of three components: 1) government-wide financial statements, 2) fund financial statements, and 3) the notes to financial statements. This report also includes supplementary information intended to furnish additional detail to support the basic financial statements themselves.

Government-Wide Financial Statements

The government-wide financial statements, which consist of the statement of net position and the statement of activities, are designed to provide readers with a broad overview of the School's finances, in a manner similar to a private-sector business.

The statement of net position presents financial information on all of the School's assets, liabilities, and deferred inflows/outflows of resources, with the difference reported as net position. Over time, increases or decreases in net position may serve as a useful indicator of whether the School's financial position is improving or deteriorating. However, as a governmental entity, the School's activities are not geared toward generating profit as are the activities of commercial entities. Other factors such as the safety at the School and quality of education, must be considered in order to reasonably assess the School's overall performance.

The statement of activities presents information and shows how the School's net position changed during the most recent fiscal year. All changes in net position are reported as soon as the underlying event giving rise to the change occurs, regardless of the timing of related cash flows. Thus, revenues and expenses are reported in this statement for some items that will only result in cash flows in future fiscal periods.

Fund Financial Statements

A fund is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The School has only one (1) category of funds - governmental funds.

Governmental funds are used to account for essentially the same functions reported as governmental activities in the government-wide financial statements. However, unlike the government-wide financial statements, governmental fund financial statements focus on near-term inflows and outflows of spendable resources, as well as on balances of spendable resources available at the end of the fiscal year. Such information may be useful in assessing the School's near-term financing requirements.

Because the focus of governmental funds is narrower than that of the government-wide financial statements, it is useful to compare the information presented for governmental funds with similar information presented for governmental activities in the government-wide financial statements. By doing so, readers may better understand the long-term impact of the School's near-term financing decisions. Both the governmental fund balance sheet and the governmental fund statement of revenues, expenditures and change in fund balance provide a reconciliation to facilitate this comparison between the governmental fund and governmental activities.

AVENTURA CITY OF EXCELLENCE SCHOOL
MANAGEMENT'S DISCUSSION AND ANALYSIS
June 30, 2013

Notes to the Basic Financial Statements

The notes provide additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements.

Supplementary Information

In addition to the basic financial statements and accompanying notes, this report also presents certain required supplementary information concerning the School's adopted budget to actual results.

GOVERNMENT-WIDE FINANCIAL ANALYSIS

As noted earlier, net position over time, may serve as a useful indicator of financial position. The following table presents a comparative analysis of the condensed government-wide statements of net position:

Aventura City of Excellence School Net Position			
	2013	2012	Variance
ASSETS:			
Current and other assets	\$ 2,609,010	\$ 2,834,858	\$ (225,848)
Capital assets, net of depreciation	1,977,606	1,986,765	(9,159)
Total assets	4,586,616	4,821,623	(235,007)
LIABILITIES:			
Current liabilities	737,361	736,761	600
Noncurrent liabilities	29,759	21,964	7,795
Total liabilities	767,120	758,725	8,395
NET POSITION:			
Net investment in capital assets	1,977,606	1,986,765	(9,159)
Unrestricted	1,841,890	2,076,133	(234,243)
Total net position	\$ 3,819,496	\$ 4,062,898	\$ (243,402)

Current and other assets decreased due to a decrease in pooled cash, cash equivalents and investments along with a reduction in prepaid expenditures.

Resources that are subject to external restrictions on how they may be used are classified as restricted assets. As of June 30, 2013 and 2012, the School had no restricted assets. The remaining unrestricted balance may be used in any of the School's ongoing operations.

**AVENTURA CITY OF EXCELLENCE SCHOOL
MANAGEMENT'S DISCUSSION AND ANALYSIS
June 30, 2013**

The following table presents comparative information of the condensed government-wide statements of changes in net position:

Aventura City of Excellence School Change in Net Position			
	2013	2012	Variance
REVENUES:			
General revenues and transfers	\$ 6,084,591	\$ 5,776,077	\$ 308,514
Program revenues:			
Charges for services	639,086	589,727	49,359
Operating grants and contributions	278,559	449,864	(171,305)
Capital grants and contributions	461,973	491,119	(29,146)
Total revenues	7,464,209	7,306,787	157,422
EXPENSES:			
Instruction	4,704,482	4,531,449	173,033
Instructional media services	75,532	71,358	4,174
Operation of facility	1,705,563	1,646,138	59,425
School administration	892,025	971,876	(79,851)
Pupil transportation services	182,580	183,600	(1,020)
Community services	147,429	149,389	(1,960)
Total expenses	7,707,611	7,553,810	153,801
Change in net position	\$ (243,402)	\$ (247,023)	\$ 3,621

- General revenues increased primarily due to the State Legislature increase in funding for education, approximately 2% in FTE revenues. In addition, the departmentalization of the fourth grade allowed increasing the School's capacity by 12 students (from 972 to 984) in the 2012/13 school year.
- Operating grants and contributions decreased primarily due to a reduction in other funding sources from the Miami-Dade County School Board such as: the Education Jobs Fund, MAP/Star Teacher Reward Allocation and Transportation.
- Instructional expenses increased primarily as a result of teacher salary increases based on the revised pay plan and the services award based on years of service. In addition, the departmentalization of the fourth grade added a new full-time teacher position. The total number of employees was 91 full-time and 14 part-time compared with 90 full-time and 14 part-time positions included in last year's school year. Included in the full-time positions are teachers, Instructional Counselor, Media Specialist and a Computer Network/Technician.
- School administration expenses decreased primarily due to the vacancy in the Vice Principal position which provided the opportunity for the Principal to review the organization of the school administration, resulting in savings, while maximizing the leadership team's ability to support seamless K through 8 instructional programs.

**AVENTURA CITY OF EXCELLENCE SCHOOL
MANAGEMENT'S DISCUSSION AND ANALYSIS
June 30, 2013**

FINANCIAL ANALYSIS OF THE SCHOOL'S FUNDS

As noted earlier, the School uses fund accounting to maintain control over resources that have been segregated for specific activities or objectives. The focus of the School's governmental funds is to provide information on near-term inflows, outflows and balances of spendable resources. Such information is useful in assessing the School's financing requirements. In particular, assigned fund balance may serve as a useful measure of the School's net resources available for spending at the end of the fiscal year.

As of the end of fiscal year 2012/13 the School's governmental fund reported ending fund balance of \$ 1,881,569. The fund balance assigned and available for spending at the School's discretion is \$ 1,875,152. These funds will be available for the School's future ongoing operations. The fund balance decreased by \$ 223,850 from the prior year which was less than the budgeted reserves of \$ 394,279.

BUDGETARY HIGHLIGHTS

This year a great deal of time and effort was expended on professional development and curriculum alignment based on Florida's Next Generation Sunshine State Standards, increasing parental involvement, intramural and competitive sport programs and identifying and working with at-risk students. This year we maintained and expanded all our present academic programs and focused on the departmentalized of the fourth grade and expanding our cultural programs through our collaboration with the Aventura Arts & Cultural Center.

CAPITAL ASSETS AND DEBT ADMINISTRATION

As of June 30, 2013, the School had an investment in capital assets of \$ 1,977,606. This amount is net of accumulated depreciation of \$ 814,253. This amount represents a net decrease of \$ 9,159 or 0.5%.

The School has no outstanding debt.

ECONOMIC FACTORS

Facts, decisions or conditions that are expected to have a significant effect on the financial position or results of operations of the School in fiscal year 2013/14 include the following:

- The 2013/14 school year represents the 11th year of operations of the school. Our past has shown that we can continue to operate the school at a high level and provide quality education for our students, within the school-based revenues. We have also been fortunate to have a strong business community and involved parents that participate in fund raising activities for school improvements.
- Based on proposals submitted at the State level the FTE revenues are expected to increase by 2%. As approved last year, the departmentalization of the fourth grade will increase the school enrollment by 12 more students this upcoming year. Over the next three years, as the additional students move up in grade, this will increase each grade by 12 students. The school's capacity enrollment will increase from 984 to 996 students for the 2013/14 school year.

**AVENTURA CITY OF EXCELLENCE SCHOOL
MANAGEMENT'S DISCUSSION AND ANALYSIS
June 30, 2013**

- As the state shifts to the rigorous Common Core Standards, there are more students in need of additional support. A new full-time position was included in the budget who will be a Response to Intervention Specialist to monitor and provide instruction for at risk learners and oversee instructional strategies for professional development for teachers.
- Based on the new agreement between the City and Charter Schools USA (“CSUSA”), the City will be assuming more responsibilities as it relates to technology management at the school. These costs are included in the budget. In addition, based on the new agreement, the fee for CSUSA will be \$ 47,000 less compared to last year’s budget.

The following items represent other important highlights:

- Revenue in the amount of \$ 100,000 from the Intersection Safety Camera Program is included to assist in funding the contingency line item in the budget.
- Teacher salary increases will reflect a step increase based on the revised pay plan. In addition returning teachers will be rewarded with a service award based on years of service. The pay plan continues to exceed Miami-Dade County Schools’ current plan.
- A Math Specialist teacher position will be re-classified to Science, Technology, Engineering and Math (STEM) Coordinator to oversee the school’s efforts to expand program offerings throughout the school. During the first year, initiatives of the ACES STEM program will include a nine week course for all sixth grade students that will provide an introduction to Computer Programing. Students in grades K – 5 will participate in activities that teach engineering and design concepts. In grades sixth through eighth, students will experience interdisciplinary project-based learning.
- A laptop classroom pilot program designed to increase achievement and engagement of at risk readers in grades sixth to eighth is included.
- Funds have been budgeted to provide for computer replacements and expanding the use of iPads in the classroom.

The overall budget increased by 3.0% or \$ 228,513, largely due to the addition of one new position and employee salary increases. The budget includes funding for lease payments to the City’s Debt Service Fund to pay annual costs associated with the long term debt borrowed for the construction of the elementary school wing. It is important that we continue to maximize the school dollars as much as possible and maintain efficient use of budgeted funds

REQUESTS FOR INFORMATION

This financial report is designed to provide a general overview of the Aventura City of Excellence School's finances for all those with an interest. If you should have any questions pertaining to the information presented in this report or would like additional information, please contact the Finance Director at the City of Aventura, 19200 West Country Club Drive, Aventura, Florida 33180.

BASIC FINANCIAL STATEMENTS

AVENTURA CITY OF EXCELLENCE SCHOOL
STATEMENT OF NET POSITION
June 30, 2013

A S S E T S

	<u>Governmental Activities</u>
CURRENT ASSETS:	
Cash, cash equivalents, and investments	\$ 2,577,145
Due from other government	25,448
Prepaid expenses	<u>6,417</u>
Total current assets	<u>2,609,010</u>
NONCURRENT ASSETS:	
Capital assets, net of accumulated depreciation	<u>1,977,606</u>
Total assets	<u>4,586,616</u>
LIABILITIES AND NET POSITION	
CURRENT LIABILITIES:	
Accounts payable	225,026
Accrued expenses	502,415
Compensated absences	<u>9,920</u>
Total current liabilities	<u>737,361</u>
NONCURRENT LIABILITIES:	
Compensated absences	<u>29,759</u>
Total noncurrent liabilities	<u>29,759</u>
Total liabilities	<u>767,120</u>
NET POSITION:	
Net investment in capital assets	1,977,606
Unrestricted	<u>1,841,890</u>
Total net position	<u>\$ 3,819,496</u>

The accompanying notes to basic financial statements are an integral part of these statements.

AVENTURA CITY OF EXCELLENCE SCHOOL
STATEMENT OF ACTIVITIES
For the Year Ended June 30, 2013

	<u>Expenses</u>	<u>Program Revenues</u>			<u>Governmental Activities</u>
		<u>Charges for Services</u>	<u>Operating Grants and Contributions</u>	<u>Capital Grants and Contributions</u>	<u>Net Revenue (Expense) and Change in Net Position</u>
FUNCTIONS/PROGRAMS:					
Instruction	\$ 4,704,482	\$ -	\$ 104,200	\$ -	\$ (4,600,282)
Instructional media services	75,532	-	-	-	(75,532)
Operation of facility	1,705,563	419,085	68,670	461,973	(755,835)
School administration	892,025	-	-	-	(892,025)
Pupil transportation services	182,580	-	105,689	-	(76,891)
Community services	<u>147,429</u>	<u>220,001</u>	<u>-</u>	<u>-</u>	<u>72,572</u>
 Total governmental activities	 <u>\$ 7,707,611</u>	 <u>\$ 639,086</u>	 <u>\$ 278,559</u>	 <u>\$ 461,973</u>	 <u>(6,327,993)</u>
 General revenues:					
FTE nonspecific revenues					5,795,006
Miscellaneous income					184,929
Investment earnings					4,656
Transfers from other funds of the City					<u>100,000</u>
					 <u>6,084,591</u>
					 Change in net position (243,402)
					 <u>4,062,898</u>
					 Net position, July 1, 2012
					 <u>\$ 3,819,496</u>
					 Net position, June 30, 2013

The accompanying notes to basic financial statements are an integral part of these statements.

AVENTURA CITY OF EXCELLENCE SCHOOL
BALANCE SHEET - GOVERNMENTAL FUND
June 30, 2013

A S S E T S

	Special Revenue Fund
ASSETS:	
Cash, cash equivalents and investments	\$ 2,577,145
Due from other government	25,448
Prepaid expenditures	6,417
Total assets	\$ 2,609,010

L I A B I L I T I E S A N D F U N D B A L A N C E

LIABILITIES:	
Accounts payable	\$ 225,026
Accrued expenses	502,415
Total liabilities	727,441
FUND BALANCE:	
Nonspendable	6,417
Assigned	1,875,152
Total fund balance	1,881,569
Total liabilities and fund balance	\$ 2,609,010

The accompanying notes to basic financial statements are an integral part of these statements.

AVENTURA CITY OF EXCELLENCE SCHOOL
RECONCILIATION OF THE BALANCE SHEET OF GOVERNMENTAL FUND
TO THE STATEMENT OF NET POSITION
 June 30, 2013

TOTAL FUND BALANCE - GOVERNMENTAL FUND, PAGE 10		\$ 1,881,569
<p>Amounts reported for governmental activities in the Statement of Net Position are different because:</p>		
<p>Capital assets used in governmental activities are not financial resources; and therefore, are not reported in the governmental fund:</p>		
Cost of capital assets is	\$ 2,791,859	
Accumulated depreciation is	<u>(814,253)</u>	1,977,606
<p>Long-term liability which is not due and payable in the current period; and therefore, is not reported in the governmental fund:</p>		
Compensated absences		<u>(39,679)</u>
NET POSITION OF GOVERNMENTAL ACTIVITIES, PAGE 8		<u>\$ 3,819,496</u>

The accompanying notes to basic financial statements are an integral part of these statements.

AVENTURA CITY OF EXCELLENCE SCHOOL
STATEMENT OF REVENUES, EXPENDITURES AND
CHANGE IN FUND BALANCE - GOVERNMENTAL FUND
 For the Year Ended June 30, 2013

	<u>Special Revenue Fund</u>
REVENUES:	
Federal sources	\$ 68,670
State sources	6,466,868
Local sources	824,015
Investment earnings	<u>4,656</u>
Total revenues	<u>7,364,209</u>
EXPENDITURES:	
Current:	
Instruction	4,704,482
Instructional media services	75,532
Operation of facility	1,471,869
School administration	881,632
Pupil transportation services	182,580
Community services	147,429
Capital outlay	<u>224,535</u>
Total expenditures	<u>7,688,059</u>
Excess (deficiency) of revenues over expenditures	<u>(323,850)</u>
OTHER FINANCING SOURCES:	
Transfers from other funds of the City	<u>100,000</u>
Total other financing sources	<u>100,000</u>
Net change in fund balance	(223,850)
FUND BALANCE, June 30, 2012	<u>2,105,419</u>
FUND BALANCE, June 30, 2013	<u>\$ 1,881,569</u>

The accompanying notes to basic financial statements are an integral part of these statements.

AVENTURA CITY OF EXCELLENCE SCHOOL
RECONCILIATION OF THE STATEMENT OF REVENUES,
EXPENDITURES AND CHANGE IN FUND BALANCE
OF THE GOVERNMENTAL FUND TO THE STATEMENT OF ACTIVITIES
 For the Year Ended June 30, 2013

NET CHANGE IN FUND BALANCE - TOTAL GOVERNMENTAL FUND, PAGE 12	\$ (223,850)
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Amounts reported for governmental activities in the
Statement of Activities are different because:

The governmental fund reports capital outlays as
expenditures; however, in the Statement of Activities
these costs are allocated over their estimated useful
lives as provision for depreciation:

Cost of capital assets	107,445
Current year provision for depreciation	(116,604)

Some revenues and expenses reported in the
Statement of Activities are not reported in the
governmental fund because they have no effect on
current financial resources:

Change in compensated absences payable	(10,393)
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CHANGE IN NET POSITION OF GOVERNMENTAL ACTIVITIES, PAGE 9	\$ <u><u>(243,402)</u></u>
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The accompanying notes to basic financial statements are an integral part of these statements.

AVENTURA CITY OF EXCELLENCE SCHOOL
NOTES TO BASIC FINANCIAL STATEMENTS
June 30, 2013

NOTE 1 - ORGANIZATION AND OPERATIONS

Aventura City of Excellence School (the "School"), is a special revenue fund of the City of Aventura, Florida (the "City"). The School commenced operations in August 2003 in the City and offers classes for kindergarten through eighth grade with an enrollment of 984 for the year ended June 30, 2013. The School is funded from public funds based on enrollment and can also be eligible for grants in accordance with State and Federal guidelines, including food service and capital outlay. The School can accept private donations and the City can incur debt for the operation of the School.

NOTE 2 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

A summary of the School's significant accounting policies is as follows:

Reporting entity:

The School operates under a charter granted by the sponsoring school district, the Miami-Dade County Public School District (the "District"). The current charter is effective until June 30, 2018 but provides for a renewal of up to 15 years by mutual agreement of both parties. In 2005, the School amended the charter to include grades six through eight. In 2012, the School amended the charter to increase the School capacity from 972 to 1032 over the next five years commencing with the fiscal year 2012/2013. At the end of the term of the charter, the District may choose not to renew the charter under grounds specified in the charter in which case the District is required to notify the School in writing at least 90 days prior to the charter's expiration. During the term of the charter, the District may also terminate the charter for good cause as defined.

The School is owned and operated by the City, is part of the City's government and is not a separate legal entity or otherwise organized apart from the City. The City was incorporated in November 1995. The City operates under a Commission-Manager form of government. In accordance with Chapter 10.850, *Rules of the Auditor General of the State of Florida*, the School is required to prepare special purpose financial statements. Section 10.855(4) states that the special purpose financial statements should present the charter school's financial position including the charter school's current and capital assets and current and long-term liabilities, and net position; and the changes in financial position. The financial statements contained herein present only the operations of the School and do not purport to, and do not, present the financial position and changes in financial position of the City. Only capital assets acquired with School revenues are reported. The facility used by the School is owned by the City and the capital assets and related debt for the facilities are not included in this report.

Basis of presentation:

Based on the guidance provided in the American Institute of Certified Public Accountants, Audit and Accounting Guide - Audits of State and Local Governments and provisions of Section 228.056(10), Florida Statutes, the School is presented as a governmental organization for financial statement reporting purposes.

Government-wide financial statements:

The School's basic financial statements include both government-wide (reporting the School as a whole) and fund financial statements. Both the government-wide and fund financial statements categorize primary activities as either governmental or business-type. All of the School's activities are classified as governmental activities.

AVENTURA CITY OF EXCELLENCE SCHOOL
NOTES TO BASIC FINANCIAL STATEMENTS
June 30, 2013

NOTE 2 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

In the government-wide statement of net position, the governmental activities column is reported on a full accrual, economic resource basis, which recognizes all current and noncurrent assets and all current and noncurrent liabilities. The School's net position is reported in three (3) categories: net investment in capital assets; restricted; and unrestricted.

The government-wide statement of activities reports both the gross and net cost of each of the School's functions. The net costs, by function, are supported by general revenues. The statement of activities reduces gross expenses by related program revenues. Program revenues must be directly associated with the function. Operating grants include operating specific and discretionary grants while the capital grants column reflects capital-specific grants.

Fund financial statements:

The School's accounts are organized on the basis of funds. The operations of the fund is accounted for with a separate set of self-balancing accounts that comprise its assets, liabilities, equity, revenues and expenditures.

The Charter School *Special Revenue Fund* is a governmental fund type and is used to account for all of the School's financial transactions.

Measurement focus and basis of accounting:

Basis of accounting refers to the point at which revenues or expenditures/expenses are recognized in the accounts and reported in the basic financial statements. It relates to the timing of the measurements made regardless of the measurement focus applied. Governmental funds use the current financial resources measurement focus and the government-wide statement uses the economic resources measurement focus.

Governmental activity in the government-wide financial statements is presented on the accrual basis of accounting. Revenues are recognized when earned and expenses are recognized when a liability is incurred.

The governmental fund financial statements are presented on the modified accrual basis of accounting under which revenue is recognized in the accounting period in which it becomes susceptible to accrual (i.e., when it becomes both measurable and available). Revenues susceptible to accrual include FTE nonspecific revenue, transportation funds, capital grant funds, operating grants and contributions and investment earnings. Intergovernmental revenues are recognized when all eligibility requirements have been met, if available. "Measurable" means the amount of the transaction can be determined and "available" means collectible within the current period or soon enough thereafter to be used to pay liabilities of the current period. For this purpose, the School considers revenues to be available if they are collected within two (2) months of the end of the current fiscal year. Expenditures generally are recorded when a liability is incurred. However, expenditures related to compensated absences are recorded only when paid from expendable available financial resources.

Capital assets:

Capital assets purchased or acquired with an original cost of \$ 5,000 or more are capitalized at historical cost or estimated historical cost and are reported in the government-wide financial statement. Donated capital assets are valued at the estimated fair market value as of the date received. Additions, improvements and other capital outlays that significantly extend the useful life of an asset are capitalized and depreciated over the remaining useful lives of the related capital assets. Other costs incurred for repairs and maintenance are expensed as incurred.

AVENTURA CITY OF EXCELLENCE SCHOOL
NOTES TO BASIC FINANCIAL STATEMENTS
June 30, 2013

NOTE 2 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

Capital assets, which include equipment acquired with state shared revenues are reported in the government-wide financial statements.

Depreciation on leasehold improvements and equipment is provided on the straight-line basis over the respective estimated useful lives ranging from 25 to 15 years and 3 to 10 years, respectively.

Within governmental funds, amounts incurred for the acquisition of capital assets are reported as fund expenditures. Depreciation expense is not reported within the governmental fund financial statements.

Deferred outflows/inflows of resources:

In addition to assets, the statement of financial position will sometimes report a separate section for deferred outflows of resources. This separate financial statement element, *deferred outflows of resources*, represents a consumption of net position that applies to a future period(s) and so will *not* be recognized as an outflow of resources (expense/expenditure) until then. The School does not have any items that qualify for reporting in this category.

In addition to liabilities, the statement of financial position will sometimes report a separate section for deferred inflows of resources. This separate financial statement element, *deferred inflows of resources*, represents an acquisition of net position that applies to a future period(s) and so will *not* be recognized as an inflow of resources (revenue) until that time. The School does not have any items that qualify for reporting in this category.

Unearned revenue:

Unearned revenue arises when the School receives resources before it has a legal claim to them.

Equity classifications:

Government-wide financial statements

Equity is classified as net position and displayed in three (3) components:

Net investment in capital assets - consists of capital assets net of accumulated depreciation and reduced by the outstanding balances of any bonds or other borrowings that are attributable to the acquisition, construction or improvement of those assets.

Restricted - consists of net position with constraints placed on their use either by: 1) external groups such as creditors, grantors, contributors or laws or regulations of other governments, or 2) law through constitutional provisions or enabling legislation. There are no restricted net assets as of the year-end.

Unrestricted - indicates that portion of net position that is available to fund future operations and that do not meet the definition of "restricted" on "net investment in capital assets".

AVENTURA CITY OF EXCELLENCE SCHOOL
NOTES TO BASIC FINANCIAL STATEMENTS
June 30, 2013

NOTE 2 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

Fund balance classifications:

Fund financial statements

The School had previously implemented the provisions of Governmental Accounting Standards Board ("GASB") Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions*. This statement requires that governmental fund financial statements present fund balances based on a hierarchy that is based primarily on the extent to which the School is bound to honor constraints on the specific purposes for which amounts in the respective governmental funds can be spent.

The following classifications describe the relative strength of the spending constraints:

- *Nonspendable Fund Balance* – amounts that are not in spendable form (such as prepaid items) or are legally or contractually required to be maintained intact. The School has classified \$ 6,417 of prepaid items as being nonspendable as these items are not expected to be converted to cash.
- *Restricted Fund Balance* – amounts constrained to specific purposes by external providers (such as grantors, creditors, etc.) or imposed by law through constitutional provisions, or by enabling legislation.
- *Committed Fund Balance* – amounts constrained to specific purposes by formal action of the government's highest level of decision making. The City Commission is the highest level of decision – making authority for the government and School that can, by adoption of an ordinance prior to the end of the fiscal year, commit fund balance. Once adopted, the limitation imposed by the ordinance remains in place until a similar action is taken (the adoption of another ordinance) to remove or revise the limitation.
- *Assigned Fund Balance* – amounts the School intends to use for a specific purpose but are neither restricted nor committed. Assignments can be made by the City Manager, which the City Commission Members delegated such authority at their direction. The School has a total of \$ 1,875,152 in Assigned Fund Balance, of which \$ 204,969 is being assigned for subsequent year's budget.
- *Unassigned Fund Balance* – amounts that have not been assigned to other funds and that have not been restricted, committed, or assigned to specific purposes within the general fund. Positive amounts are only reported in the General Fund.

The School uses restricted amounts first when both restricted and unrestricted fund balance is available unless there are legal documents/contracts that prohibit doing this, such as in grant agreements requiring dollar for dollar spending. Additionally, the School would first use committed fund balance, followed by assigned fund balance when expenditures are incurred for purposes for which amounts in any of the unrestricted fund balance classifications could be used.

Encumbrances:

Encumbrance accounting, under which purchase orders, contracts and other commitments for the expenditure of funds are recorded in order to reserve that portion of the applicable appropriation, is employed as an extension of formal budgetary integration.

AVENTURA CITY OF EXCELLENCE SCHOOL
NOTES TO BASIC FINANCIAL STATEMENTS
June 30, 2013

NOTE 2 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

Encumbrances are recorded at the time a purchase order or other commitment is entered into. Encumbrances outstanding at year-end represent the estimated amount of expenditures which would result if unperformed purchase orders and orders and other commitments at year-end are completed. Encumbrances lapse at year-end; however, the City and School generally intends to honor purchase orders and other commitments in process. As a result, encumbrances outstanding at year-end are re-appropriated in the next fiscal year and are therefore presented as committed or assigned fund balance for the subsequent year.

At June 30, 2013, there were no encumbrances outstanding.

Deposits and investments:

The School's cash, cash equivalents, and investments are maintained by the City in a pooled account for all funds. This enables the City to invest large amounts of idle cash for short periods of time and to optimize earnings potential. Cash, cash equivalents, and investments represent the amount owned by the Charter School Special Revenue Fund. The City is responsible for all risks related to the School's cash, cash equivalents, and investments. These risks and the City's related policies are disclosed in the Note 3.

Post-retirement benefits:

The City of Aventura provides post-employment healthcare coverage, including medical and dental benefits, to eligible individuals which consist of an implicit subsidy. The estimated liability is recorded in the financial statements of the City. No amount is allocated to the Charter School Special Revenue fund since the amount is deemed insignificant by management as of June 30, 2013.

Compensated absences:

The School's sick leave policy is to permit employees to accumulate earned but unused sick pay benefits. Upon termination, sick pay is paid out between 0-50% based on length of service.

The School's vacation policy is that earned vacation is cumulative although limited to certain maximums based on length of service.

Accumulated compensated absences are recorded as expenses in the government-wide financial statements when earned. Expenditures for accumulated compensated absences have been recorded in the governmental fund only in connection with terminated employees.

State funding (primary source of revenue):

Student funding is provided by the State of Florida through the School Board of Miami-Dade County, Florida. In accordance with the Charter Agreement, the School Board retains 2% as an administrative fee. This funding is received on a pro rata basis over the twelve-month period and is adjusted for changes in full-time equivalent student population. After review and verification of Full-Time Equivalent ("FTE") reports and supporting documentation, the Florida Department of Education may adjust subsequent fiscal period allocations of FTE funding for prior year's errors disclosed by its review as well as to prevent the statewide allocation from exceeding the amount authorized by the State Legislature. Normally, such adjustments are reported in the year the adjustments are made.

AVENTURA CITY OF EXCELLENCE SCHOOL
NOTES TO BASIC FINANCIAL STATEMENTS
June 30, 2013

NOTE 2 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

Use of estimates:

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

Interfund transfers:

Other financing sources include \$ 100,000 in revenue from the Intersection Safety Camera Program, from the City's general fund, to assist in the support of general operations of the School.

Date of management review:

Subsequent events were evaluated by management through August 19, 2013, which is the date the financial statements were available to be issued.

NOTE 3 -DEPOSITS AND INVESTMENTS

As discussed in Note 2, the School's cash, cash equivalents, and investments are maintained by the City in a pooled account for all funds.

Deposits:

The City's custodial credit risk policy is in accordance with Florida Statutes. Florida Statutes authorize the deposit of City funds in demand deposits or time deposits of financial institutions approved by the State Treasurer. These are defined as public deposits. All City public deposits are held in qualified public depositories pursuant to Chapter 280, Florida Statutes, "Florida Security for Public Deposits Act." Under the act, all qualified public depositories are required to pledge eligible collateral having a market value equal to or greater than the average daily or monthly balance of all public deposits times the depository's collateral pledging level. The collateral pledging level may range from 50% to 125% depending upon the depository's financial condition and the length of time that the depository has been established. All collateral must be deposited with the State Treasurer. Any losses to public depositors resulting from insolvency are covered by applicable deposit insurance, sale of securities pledged as collateral and, if necessary, assessment against other qualified public depositories of the same type as the depository in default. The City's bank balances were insured either by the federal depository insurance corporation or collateralized in the bank's participation in the Florida Security for Public Deposits Act.

The Florida SBA Pool is not a registrant with the Securities and Exchange Commission ("SEC"); however, its board has adopted operating procedures consistent with the requirements for a 2a-7 fund. The SBA investments are allocated among two funds, Fund A and Fund B (hereinafter referred to as "Florida PRIME" and "LGIP-B"). For the Florida PRIME, a 2a7-like pool, the value of the City's position is the same as the value of the pool shares and is recorded at amortized cost. At June 30, 2013, the School's investment share in the Florida PRIME was that of \$ 944,446. The LGIP-B pool is accounted for as a fluctuating net asset value "NAV." The balance of the School's investment share in LGIP-B at year end amounted to \$ 2,400, with a net asset value factor of 1.11845939. The SBA is governed by Chapter 19-7 of the Florida Administrative Code. These rules provide guidance and establish the general operating procedures for the administration of the SBA. Additionally, the Office of the Auditor General of the State of Florida performs the operational audit of the activities and investment of the SBA. The SBA accounts are not subject to custodial credit risk as these investments are not evidenced by securities that exist in physical or bank entry form.

AVENTURA CITY OF EXCELLENCE SCHOOL
 NOTES TO BASIC FINANCIAL STATEMENTS
 June 30, 2013

NOTE 3 -DEPOSITS AND INVESTMENTS (continued)

Investments:

On June 2, 2009 and on November 1, 2011, the City adopted and re-adopted, respectively, Chapter 6.6 of the Administrative Policy and Directives and Procedures Manual, entitled "Investments Objective and Parameters," as the City's Investment Policy for the management of Public Funds ("the policy"). The policy was created in accordance with Section 218.415, Florida Statutes. The policy applies to all investments held and controlled by the City, with the exception of a defined benefit pension plan and debt issuance where there are other existing policies or indentures in effect for the investment of related funds.

The City's policy for investments other than pension plan and debt issuance is summarized herein. The Finance Director has responsibility for the type of investments the City makes. The investment policy establishes permitted investments, asset allocation, issuer limits, credit rating requirements and maturity limits to protect the City's assets. All investment securities are held by a Trust custodian, and are managed by financial advisors. In general, the City's policy allows to invest in the following: (1) securities and obligations of the United States and its agencies; (2) non-negotiable interest bearing time deposits or savings accounts provided that such deposits are secured by collateral as prescribed by the Florida Security for Public Deposits Act, Chapter 280, Florida Statutes; (3) repurchase agreements collateralized by full or general faith and credit obligations of the U. S. Government or Agency securities; (4) the Florida Local Government Surplus Funds Trust Fund "SBA"; (5) intergovernmental investment pools authorized pursuant to the Florida Interlocal Cooperation Act, provided by Section 163.01, Florida Statutes, and provided that such funds contain no derivatives; (6) money market mutual funds - registered investment companies with the highest credit quality rating; (7) commercial paper of any U.S. company; (8) corporate notes; and (9) taxable/tax-exempt municipal bonds.

As of June 30, 2013, the School's cash, cash equivalents and investments consisted of the following:

State Board of Administration -		
SBA, Florida PRIME	\$	944,446
Deposits and money market funds		
with financial institutions		777,785
U.S. Treasury bills		306,629
U.S. Government obligations		296,729
Mortgage and asset backed securities		68,690
Municipal obligations		67,007
Corporate bonds		59,235
Commercial paper		32,737
Collateralized mortgage obligations		21,087
State Board of Administration -		
SBA, Fund B		2,400
Petty cash		400
		400
	\$	2,577,145

Interest rate risk - The City's policy is to limit its exposure to fair value losses arising from changes in interest rates by structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity, and investing operating funds primarily in shorter-term securities, money market mutual funds or similar investment pools.

AVENTURA CITY OF EXCELLENCE SCHOOL
NOTES TO BASIC FINANCIAL STATEMENTS
 June 30, 2013

NOTE 3 -DEPOSITS AND INVESTMENTS (continued)

This is the risk that changes in market interest rates will adversely affect the fair value of an investment. Generally, the longer the maturity of an investment, the greater the sensitivity of its fair value to changes in market interest rates. The City's policy is that unless matched with specific cash flow, the City will not directly invest in securities maturing more than seven (7) years from the date of purchase. Because of inherent difficulties in accurately forecasting cash flow requirements, a portion of the portfolio should be continuously invested in readily available funds to ensure that proper liquidity is maintained to meet ongoing obligations.

Information about the exposure of the School's debt-type investments to this risk using the segmented time distribution model is as follows:

Summary of Investments and Interest Rate Risk	Fair Value	Time to Maturity		
		Less Than 1 Year	1-5 Years	6-10 Years
State Board of Administration - SBA, Florida PRIME	\$ 944,446	\$ 944,446	\$ -	\$ -
U.S. Treasury bills	306,629	71,082	235,547	-
U.S. Government obligations	296,729	84,387	212,342	-
Mortgage and asset backed securities	68,690	-	68,690	-
Municipal obligations	67,007	32,921	34,086	-
Corporate bonds	59,235	46,969	12,266	-
Commercial paper	32,737	32,737	-	-
Collateralized mortgage obligations	21,087	-	11,219	9,868
State Board of Administration - SBA, Fund B	2,400	-	2,400	-
	<u>\$ 1,798,960</u>	<u>\$ 1,212,542</u>	<u>\$ 576,550</u>	<u>\$ 9,868</u>

Credit Risk - Generally, credit risk is the risk that an issuer of a debt-type investment will not fulfill its obligation to the holder of the investment. This is measured by assignment of a rating by a nationally-recognized rating organization. The City's investment policy provides strict guidelines and limits investments to highly rated securities with minimum ratings of AAA/Aaa (long term securities), A-1/P-1 (short term securities), and AAAm (money market mutual funds). The Finance Director shall determine the appropriate action for any investment held that is downgraded below the minimum rating by one or more rating agencies.

The School's portfolio is rated by Standard & Poor's as follows:

Rating	Fair Value
AAA	\$ 94,136
AAAm	944,445
AA +	637,763
AA	42,100
AA-	18,354
A +	3,298
A-1 +	18,008
A-1	27,279
Not Rated	13,577
	<u>\$ 1,798,960</u>

AVENTURA CITY OF EXCELLENCE SCHOOL
NOTES TO BASIC FINANCIAL STATEMENTS
 June 30, 2013

NOTE 3 –DEPOSITS AND INVESTMENTS (continued)

Concentration of credit risk - The City's policy is to maintain a diversified portfolio to minimize the risk of loss resulting from concentration of assets in a specific issuer. Specific limits have been established which limit the percentage of portfolio assets that can be invested with a specific issuer. GASB Statement No. 40, *Deposit and Investment Risk Disclosures*, requires disclosure when the percentage is 5% or more in any one issuer. Investments issues or explicitly guaranteed by the U.S. government and investments in mutual funds, external investments pools, or other pooled investments are excluded from this requirement. As of June 30, 2013, the School had investments in the Federal National Mortgage Association (Fannie Mae) amounting to 6.91% of the total investments held by the School.

Custodial credit risk - For an investment, custodial credit risk is the risk that, in the event of the failure of the counterparty (e.g., broker-dealer) to a transaction, a government will not be able to recover the value of its investment or collateral securities that are in the possession of another party. The City's investment policy requires securities, with the exception of certificates of deposit, to be registered in the City's name and held with a third party custodian.

Foreign credit risk - For an investment, foreign credit risk is the risk that fluctuations in currency exchange rates may affect transactions conducted in currencies other than U.S. dollars and the carrying value of foreign investments. The City is not exposed to foreign credit risk.

NOTE 4 –CAPITAL ASSETS

A summary of changes in governmental capital assets is as follows:

	Balance July 1, 2012	Additions	Deletions	Balance June 30, 2013
Leasehold improvements	\$ 2,204,862	\$ 19,035	\$ -	\$ 2,223,897
Equipment	479,552	88,410	-	567,962
Less: accumulated depreciation	697,649	116,604	-	814,253
	<u>\$ 1,986,765</u>	<u>\$ (9,159)</u>	<u>\$ -</u>	<u>\$ 1,977,606</u>

The provision for depreciation for the year ended June 30, 2013 amounted to \$ 116,604. The School allocated depreciation to operation of facility.

NOTE 5 – LONG-TERM LIABILITIES

The following is a summary of long-term liabilities for fiscal year ended June 30, 2013:

	Balance July 1, 2012	Increases	Decreases	Balance June 30, 2013	Amount Due Within One Year (Estimate)
Compensated absences	\$ 29,286	\$ 32,159	\$ (21,766)	\$ 39,679	\$ 9,920

AVENTURA CITY OF EXCELLENCE SCHOOL
NOTES TO BASIC FINANCIAL STATEMENTS
 June 30, 2013

NOTE 6 - COMMITMENTS AND CONTINGENCIES

Management contract:

The City has a contract with Charter Schools USA, Inc. (“CSUSA”) for administrative and educational management services for the operations of the School. All staff of the School, except the principal, two assistant principals (former position classifications as dean of discipline & operations and dean of curriculum) and a custodian, are employees of CSUSA. For the year ended June 30, 2013, the contract provided for a 6% fee based on a percentage of certain funding sources of the School; however, the fees were negotiated at a flat rate of \$ 27,000 per month. Total fees paid to the management company for fiscal year 2012/13 were \$ 324,000. The majority of other reimbursed expenditures by the City to CSUSA relate to teachers’ salaries and benefits.

The current agreement with CSUSA expired on June 30, 2013 and both parties have agreed to a five-year renewal term through June 30, 2018. The renewed agreement provides for an additional renewal term of up to five years upon agreement of both parties and provided the Miami-Dade County School Board extends the charter granted to the City. The fee for services will be \$ 279,000 for the fiscal year 2013/14; 4.3% to be calculated based on certain funding sources of the school for the fiscal year 2014/15 through 2017/18; and to be negotiated thereafter upon reaching a renewal arrangement.

Lease agreement:

The School's operations are located at a facility that is owned by the City. In September 2002, the City entered into a bond indenture agreement with the Florida Intergovernmental Finance Commission through an interlocal governmental agreement. As a result, the City issued \$ 12,610,000 in Series 2002 Revenue Bonds to finance the acquisition of land and the construction of a charter school as well as the construction of a community center. Approximately \$ 6,650,000 of the bond issue was related to the acquisition, construction and equipping of the School facility. On June 15, 2012, the City issued \$ 9,885,000 in Series 2012 Revenue Bonds with a rate of 2.18% to refund the outstanding balance of the Series 2002 Revenue Bonds. Approximately \$ 5,213,000 of the Series 2012 Revenue Bonds relates to that portion of the original Series 2002 Revenue Bonds that was utilized for the acquisition, construction and equipping of the School facility. The City refunded the Series 2002 Revenue Bonds to reduce its total debt service payments through maturity (2027) by approximately \$ 3,810,000.

The School is leasing its premises from the City under an operating lease agreement, which expired June 30, 2013, but was renewed for an additional year. The lease can renew each additional year as long as the School operates pursuant to the Charter issued by the School Board of Miami-Dade County. The rent amount is determined annually and is based on the annual debt service of the Revenue Bonds. Future minimum payments required from the School by the City for the debt service of the Revenue Bonds are estimated to be approximately as follows:

Year Ending <u>June 30,</u>		
2014	\$	444,000
2015		442,000
2016		442,000
2017		443,000
2018		443,000
Thereafter		<u>3,951,000</u>
	\$	<u><u>6,165,000</u></u>

AVENTURA CITY OF EXCELLENCE SCHOOL
NOTES TO BASIC FINANCIAL STATEMENTS
June 30, 2013

NOTE 6 - COMMITMENTS AND CONTINGENCIES (continued)

Litigation:

A legal action, which arose in the normal course of operations of the School, remains pending against the City. It is management's opinion, based on the advice of legal counsel, that the outcome of this legal action will not have a material adverse effect on the financial statements of the City. Management and legal counsel believes that the litigation against the City will be covered by insurance.

Grant Funding:

The School received financial assistance from Federal and local governmental agencies in the form of grants. The disbursement of funds received under these programs generally requires compliance with terms and conditions specified in the grant agreements and may be subject to audit by the grantor agencies. In accordance with OMB Circular A-133 *Audits of States, Local Governments and Non-Profit Organizations*, the School was not required to conduct a "single audit" since the required threshold of Federal money is currently \$ 500,000 and the School did not exceed such threshold.

NOTE 7 - RISK MANAGEMENT

The School is exposed to various risks of loss related to torts, thefts of, damage to and destruction of assets, errors and omissions, employee health, workers' compensation and natural disasters for which the City carried commercial insurance. Settlement amounts have not exceeded insurance coverage for the past three (3) years. In addition, there were no reductions in insurance coverage from those in the prior year.

NOTE 8 - DEFINED CONTRIBUTION PENSION PLANS

The City is a single-employer that contributes to four (4) defined contribution pension plans based on employee classification created in accordance with *Internal Revenue Code Section 401 (a)*. The employees of the School are eligible to participate in three (3) of the City's defined contribution pension plans. The School has four (4) full-time employees who are eligible to participate in these plans. Under these plans, the City contributes 15%, 14% or 7% of employee salary for each of the four School employees. The City contributions for the Principal vest in the year they are contributed. The City's contributions to the other employees vest beginning after one (1) year of service through year five (5) in 20% increments. Participants are not permitted to make contributions during the year. The City made plan contributions for these four employees of approximately \$ 32,000 during the year. Plan provisions and contribution requirements may be amended by the City Commission.

In addition, the City provides to these full-time employees a deferred compensation plan under *Section 457 of the Internal Revenue Code*. Under this program, employees may voluntarily elect to defer a portion of their salary to future years; with no required contributions from the City.

Both programs are administered by ICMA Retirement Corp. The City does not exercise any control or fiduciary responsibility over the Plans' assets.

**SUPPLEMENTARY
INFORMATION**

AVENTURA CITY OF EXCELLENCE SCHOOL
STATEMENT OF REVENUES AND EXPENDITURES
BUDGET AND ACTUAL - SPECIAL REVENUE FUND
For the Year Ended June 30, 2013

	Budgeted Amounts		Actual Amounts, Budgetary Basis	Budget to GAAP Differences Over (Under)	Actual Amounts GAAP Basis	Variance
	Original	Final				
REVENUES AND TRANSFERS:						
FTE nonspecific revenues	\$ 5,790,983	\$ 5,790,983	\$ 5,896,729	\$ 30,437	\$ 5,927,166	\$ 105,746
Capital grant funds	500,000	500,000	434,013	-	434,013	(65,987)
Charges for services	306,100	306,100	412,712	-	412,712	106,612
Miscellaneous income	165,500	165,500	184,929	-	184,929	19,429
Field trip revenue	200,034	200,034	226,374	-	226,374	26,340
Transportation funds	147,000	147,000	105,689	-	105,689	(41,311)
Transfers from other funds of the City	100,000	100,000	100,000	-	100,000	-
Operating grants and contributions	71,000	71,000	68,670	-	68,670	(2,330)
Investment earnings	10,000	10,000	4,656	-	4,656	(5,344)
Allocation of fund balance	394,279	394,279	-	-	-	(394,279)
Total revenues and transfers	7,684,896	7,684,896	7,433,772	30,437	7,464,209	(251,124)
EXPENDITURES:						
Salaries	4,217,497	4,217,497	4,245,678	-	4,245,678	(28,181)
Professional services	613,000	613,000	637,311	30,437	667,748	(24,311)
Lease expense - transfers	444,000	444,000	444,000	(444,000)	-	-
Repairs and maintenance	316,500	316,500	293,215	-	293,215	23,285
Payroll taxes	322,639	322,639	316,879	-	316,879	5,760
Employee health insurance	352,582	352,582	284,459	-	284,459	68,123
Supplies	277,000	277,000	298,441	-	298,441	(21,441)
Field trips	215,000	215,000	203,522	-	203,522	11,478
Capital outlay	102,000	102,000	224,535	-	224,535	(122,535)
Utilities	181,000	181,000	158,708	-	158,708	22,292
Textbooks	144,000	144,000	135,843	-	135,843	8,157
Bonuses	123,800	123,800	76,320	-	76,320	47,480
Food services	64,000	64,000	69,162	-	69,162	(5,162)
Workers' compensation insurance	54,754	54,754	88,029	-	88,029	(33,275)
Telephone	53,000	53,000	70,812	-	70,812	(17,812)
Pension contributions	59,792	59,792	48,060	-	48,060	11,732
Insurance	38,000	38,000	43,644	-	43,644	(5,644)
Travel	26,400	26,400	17,988	-	17,988	8,412
Stipends	70,605	70,605	-	-	-	70,605
Dues and fees	6,327	6,327	1,016	-	1,016	5,311
Sick day buyout	-	-	-	-	-	-
Advertising	-	-	-	-	-	-
Lease expense	3,000	3,000	-	444,000	444,000	3,000
Total expenditures	7,684,896	7,684,896	7,657,622	30,437	7,688,059	27,274
Net change in fund balance	\$ -	\$ -	\$ (223,850)	\$ -	\$ (223,850)	\$ (223,850)

See Notes to Supplementary Information.

AVENTURA CITY OF EXCELLENCE SCHOOL
NOTES TO SUPPLEMENTARY INFORMATION
June 30, 2013

Note A:

The School formally adopted a budget for the year ended June 30, 2013. Budgeted amounts may be amended by resolution or ordinance by the City Commission. The budget has been prepared in accordance with accounting principles generally accepted in the United States of America with the exception of the items described in Note B. A comparison of the actual results of operations to the budgeted amounts for the Special Revenue Fund is presented as supplementary information.

Note B:

The budget is adopted using the same basis of accounting on which the financial statements are prepared except for a 2% administrative charge that is retained by the School Board of Miami-Dade County. This amount is not reflected on the School's budget basis due to the lack of availability of such funds. For fiscal year 2012/13 this amount was \$ 30,437.

For budgeting purposes, certain amounts are budgeted as transfers out to the City's Debt Service Fund. For separate reporting of the Charter School Special Revenue Fund, these amounts are reclassified as follows:

Lease expense for School facility	\$ 444,000
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**OTHER INDEPENDENT
AUDITORS' REPORTS**



INDEPENDENT AUDITORS' REPORT ON INTERNAL CONTROL OVER
FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER
MATTERS BASED ON AN AUDIT OF THE FINANCIAL STATEMENTS PERFORMED
IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS*

To the Honorable Mayor, Members of the City Commission and City Manager
of the City of Aventura, Florida
Aventura City of Excellence School
Aventura, Florida

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the Aventura City of Excellence School, a special revenue fund of the City of Aventura, Florida (the "School"), as of and for the year ended June 30, 2013, and the related notes to the financial statements, which collectively comprise the School's basic financial statements, and have issued our report thereon dated August 19, 2013.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the School's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the School's internal control. Accordingly, we do not express an opinion on the effectiveness of the School's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of the internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the School's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is intended solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Keefe, McCullough & Co., LLP

KEEFE, McCULLOUGH & CO., LLP

Fort Lauderdale, Florida
August 19, 2013



INDEPENDENT AUDITORS' REPORT TO MANAGEMENT

To the Honorable Mayor, Members of the City Commission and City Manager
of the City of Aventura, Florida
Aventura City of Excellence School
Aventura, Florida

We have audited the financial statements of the Aventura City of Excellence School, a special revenue fund of the City of Aventura, Florida (the "School"), as of and for the fiscal year ended June 30, 2013, and have issued our report thereon dated August 19, 2013.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America; and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. We have issued our Independent Auditors' Report on Internal Control Over Financial Reporting and Compliance and Other Matters Based on an Audit of the Financial Statements Performed in Accordance with *Government Auditing Standards*. Disclosures in that report, which is dated August 19, 2013, should be considered in conjunction with this management letter.

Additionally, our audit was conducted in accordance with Chapter 10.850, Rules of the Auditor General, which govern the conduct of charter school and similar entity audits performed in the State of Florida. This letter includes the following information, which is not included in the aforementioned auditors' reports:

Section 10.854(1)(e)1., Rules of the Auditor General, requires that we determine whether or not corrective actions have been taken to address findings and recommendations made in the preceding annual financial audit report. There were no findings or recommendations in the preceding annual financial audit report.

Section 10.854(1)(e)2., Rules of the Auditor General, requires a statement be included as to whether or not the charter school or center has met one or more of the conditions described in Section 218.503(1), Florida Statutes, and identification of the specific condition(s) met. In connection with our audit, we determined that the School did not meet any of the conditions described in Section 218.503(1), Florida Statutes.

Section 10.854(1)(e)3., Rules of the Auditor General, requires that we address in the management letter any recommendations to improve financial management. In connection with our audit, we did not have any such recommendations.

Section 10.854(1)(e)4., Rules of the Auditor General, requires that we address noncompliance with provisions of contracts or grant agreements, or abuse, that have occurred, or are likely to have occurred, that have an effect on the financial statements that is less than material but which warrants the attention of those charged with governance. In connection with our audit, we did not have any such findings.

Aventura City of Excellence School

Section 10.854(1)(e)5., Rules of the Auditor General, requires the name or official title of the entity. The official title of the school is Aventura City of Excellence School.

Pursuant to Sections 10.854(1)(e)6.a. and 10.855(11), Rules of the Auditor General (for charter schools and centers only), we applied financial condition assessment procedures. It is management's responsibility to monitor the School's financial condition, and our financial condition assessment was based in part on representations made by management and the review of financial information provided by same.

Our management letter is intended solely for the information and use of the Legislative Auditing Committee, members of the Florida Senate and the Florida House of Representative, the Florida Auditor General, Federal and other granting agencies, and the School Board of Miami-Dade County, and applicable management and is not intended to be and should not be used by anyone other than these specified parties.

Keefe, McCullough & Co., LLP

KEEFE, McCULLOUGH & CO., LLP

Fort Lauderdale, Florida
August 19, 2013



CITY OF AVENTURA

OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: City Commission

FROM: Eric M. Soroka, ICMA-CM, City Manager 

DATE: August 13, 2013

SUBJECT: **Recommendation to Accept Aventura City of Excellence School Out-Of-Field Waivers**

September 3, 2013 City Commission Meeting Agenda Item 5H

RECOMMENDATION

It is recommended that the City Commission acting in its capacity as the Governing Board of the Aventura City of Excellence School accept the out-of-field waivers list as outlined in this memorandum.

BACKGROUND

The Miami-Dade County School Board requires the Governing Board of each charter school annually to accept a list of teachers considered out-of-field. Teachers working on additional certification or endorsements for subjects that they are teaching are considered out-of-field until requirements are met. All teachers hold current certification. The additional certification or endorsements are extra credentials. This is a typical practice as teachers expand their professional development.

Below are listings of instructional staff members who are working toward additional certification the following subject areas:

English Speakers of Other Languages (ESOL) Endorsement – This is an add-on to a current certificate to be able to teach English language learners. The following teacher is involved in a five course sequence, allowing six years for completion:

Jennifer Gadbois, Melissa Sammons, Jessica Arguelles/Smarge, Deborah Kocab, Lera Tognini, Thomas Dusch.

Gifted Endorsement – This is an add-on to a current certificate to be able to teach students who are identified as gifted learners. The teachers are involved in a five course sequence, allowing five years for completion:

Memo to City Commission
Page 2

Stephanie Del Rosario, Debora Kocab, Alyssa Pats, Angel Clark, Melissa Sammons,
Loredana Chiodi, Laura Harris.

Educational Media Specialist – Jenna Pino

Business Applications 1 and Career Planning – Christopher Zanon

EMS/act

CCO1812-13

CITY OF AVENTURA

OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: City Commission

FROM: Eric M. Soroka, ICMA-CM, City Manager 

DATE: August 14, 2013

SUBJECT: **Recommendation to Approve Distribution Plan for State Budget Allocated Salary Increase for Aventura City of Excellence School Instructional Staff**

September 3, 2013 City Commission Meeting Agenda Item 5-I

RECOMMENDATION

It is recommended that the City Commission acting in its capacity as the Governing Board of the Aventura City of Excellence School (ACES) approve the distribution plan outlined in this memorandum for the Teacher Pay Increases included in the 2013/14 State Budget for Aventura City of Excellence School Instructional Staff.

BACKGROUND

The State budget recently approved by the State Legislature and signed by the Governor included a "Statewide Teacher Pay Increase". The increase on average amounts to \$2,500 per teacher. The increase is to be added to the current teacher's salary and FICA may be deducted from the amount. The State requires the Governing Board of each charter school to approve the distribution plan.

The Teacher Salary Increase Distribution Plan for ACES is as follows:

- The classes/categories of personnel who are receiving compensation - **All full-time Instructional Staff except administration will receive the increase in salary.**
- The criteria for earning the compensation, including whether the plan is based on performance demonstrated on the district's 2012-13 or 2013-14 evaluation system. - **All of the Instructional Staff, irrespective of tenure and performance, will be entitled to the salary increase. The allocation is based on meeting projected student enrollment numbers. The total amount that can be allocated for increases is \$175,158 and will be divided evenly across the relevant population as stated above.**

- The timeframe for distributing the compensation to district employees. - **Distributions will start at the beginning of the 2013-2014 school year. Applicable employees will be notified of the exact amount of increase to their base pay following Board approval and District fund distribution.**
- Verification that any required negotiation has been completed and the school board has approved the plan. **The effective date of the plan approved by the Governing Board of ACES will be September 3, 2013.**

The recommended distribution plan provides for each one of our 76 teachers to receive a pay increase of \$2,305. The amount has been adjusted to reflect the FICA reduction.

Once the funds have been allocated by the School Board, the School Budget will be amended to include the revenues and expenditures associated with the pay increase.

If you have any questions, please feel free to contact me.

EMS/act

CCO1813-13

CITY OF AVENTURA
OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: City Commission

FROM: Eric M. Soroka, ICMA-CM, City Manager

DATE: August 19, 2013

SUBJECT: **Resolution Authorizing Execution of Lease Agreement With Coronado Condominium Association, Inc. for the Installation of Police Radio Facilities**



September 3, 2013 City Commission Meeting Agenda Item 5J

RECOMMENDATION

It is recommended that the City Commission of the City of Aventura adopt the attached Resolution authorizing the execution of the Lease Agreement between the City and Coronado Condominium Association, Inc. for the installation of radio facilities.

BACKGROUND

At the February Workshop, City staff provided an overview of the installation of the new P25 Radio System for the Police Department Communications. The installation process requires a communications antenna and supplemental equipment to be installed on a condominium centrally located in the City. The Coronado Condominium agreed to lease the City space to house the radio equipment and the placement of a rooftop antenna. The lease is for an initial term of five years with an option to renew for four additional five year terms. The rental amount is \$30,000 paid in a lump sum upon execution of the Lease Agreement.

The City Attorney and staff have reviewed the Agreement and recommends approval of lease.

If you have any questions, please feel free to contact me.

EMS/act
Attachment
CCO1756-11

RESOLUTION NO. 2013-__

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND OTHERWISE ENTER INTO THE ATTACHED AGREEMENT BY AND BETWEEN THE CITY OF AVENTURA AND CORONADO CONDOMINIUM ASSOCIATION, INC. FOR THE INSTALLATION OF POLICE RADIO FACILITIES; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA:

Section 1. The City Manager is hereby authorized to execute and otherwise enter into the attached Agreement by and between the City of Aventura and Coronado Condominium Association, Inc. for the installation of police radio facilities.

Section 2. The City Manager is hereby authorized to do all things necessary to carry out the aims of this Resolution.

Section 3. This Resolution shall become effective immediately upon its adoption.

The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Commissioner Enbar Cohen	_____
Commissioner Teri Holzberg	_____
Commissioner Billy Joel	_____
Commissioner Howard Weinberg	_____
Commissioner Luz Urbaez Weinberg	_____
Vice Mayor Michael Stern	_____
Mayor Susan Gottlieb	_____

PASSED AND ADOPTED this 3rd day of September, 2013.

Attest:

Susan Gottlieb, Mayor

Teresa M. Soroka, MMC
City Clerk

Approved as to Form and Legal Sufficiency:
City Attorney

David M. Wolpin

LEASE AGREEMENT

This **LEASE AGREEMENT** (this "Lease") is made this ___ day of _____, 2013 between Coronado Condominium Association Inc. whose address is 20301 West Country Club Drive, Aventura Florida, 33180, who is the party responsible for operations and maintenance of the complex, (hereinafter referred to as LESSOR), and the **CITY OF AVENTURA, a Florida municipal corporation**, whose address is 19200 West Country Club Drive, Aventura, Florida 33180 (hereinafter referred to as TENANT).

1. LESSOR is the condominium association charged with the maintenance and authorized to enter into contracts pertaining to the common elements located within and around certain real property and the building located at 20301 West Country Club Drive, Aventura, Florida 33180 (the "Building"). LESSOR hereby leases to TENANT that area consisting of approximately 67.5 square feet of space within the Building as illustrated in Exhibit "A" of this Agreement (hereinafter the "Building Space") and certain positions on the roof of the Building as identified in illustration attached hereto as Exhibit "A" of this Agreement (hereinafter the "Rooftop Space"), for the installation of radio facilities, as more particularly described in Paragraph 1A herein below and as shown on Exhibit "A" attached hereto and made a part hereof (the "Radio Equipment"). The Building Space and the Rooftop Space are hereinafter collectively referred to as the "Lease Premises." LESSOR further grants TENANT, its agents, employees, and contractors, the nonexclusive right for access and ingress and egress to the Building, parking area and elevators, seven (7) days a week, twenty-four (24) hours a day, for the emergency repair of the Radio Facilities. Emergency repair will be defined as any condition that negatively affects the operation of any part of the Radio Equipment to include electrical, HVAC, or radio system operation as deemed by the City. The installation, operation and routine general maintenance will be conducted during normal 8am to 5pm business hours. Access to the Leased Premises will be granted for any and all City of Aventura Police Department Employees or representatives from the authorized City Radio Equipment service providers. All City employees and/or representatives will be appropriately credentialed by the City with proper identification.

A. Radio Equipment, including equipment and antennas, shall be installed in and on the Building, in those locations described shown in Exhibit "A", and shall include, but not be limited to the following: (1) equipment and air conditioning system on approximately 67.5 square feet of space located on the 27 floor of the Building; (2) Cable or transmission lines shall run between the Rooftop Space and the Radio Equipment located within the Building Space; and (3) Antennas and equipment on the Rooftop Space. The antennas may be mounted at a sufficient height on the Rooftop Space now or in the future so that the signals transmitted and received thereby will not be impeded by the Building or any other structures mounted thereon. The area is in an unused portion of the rooftop penthouse/elevator room and will be enclosed in a chain link fence to prevent unauthorized access to the Radio Equipment. The location of the Radio Equipment and enclosure will not impede access to any of the buildings equipment.

B. TENANT may make such alterations or modifications to the Building Space and Rooftop Space as are necessary for the installation and operation of its Radio Equipment, subject to the approval of LESSOR, which approval shall not be unreasonably withheld or delayed. Prior to commencement of any alteration, TENANT shall submit plans of the proposed alteration

to LESSOR for its approval. LESSOR shall have fourteen (14) days after receipt of Tenant's plans to review and approve same. Failure on the part of the LESSOR to notify TENANT within the fourteen (14) day period shall constitute a waiver of LESSOR'S rights hereunder and the plans shall be deemed approved.

Said alterations made by Tenant shall be performed in a workmanlike manner and completed so that no mechanics', laborers' or materialmen's liens will be permitted on the Building. Upon the termination of this Lease, TENANT shall remove all of the Radio Equipment from the Building. The TENANT will be responsible for all damage to the common elements or Association property from the installation, maintenance or removal of its equipment.

C. TENANT agrees to install Radio Equipment of a type and frequency which will not cause material interference with existing Unit Owners and tenants of the Building at the time of such installation. In the event TENANT'S Radio Equipment causes material interference, TENANT will take all steps reasonably necessary to correct and eliminate such interference at its sole cost including removal of TENANT'S Radio Equipment if no other solution is available. LESSOR agrees not to allow any Unit Owner's or tenant's use of the roof of the Building or permit additions and/or modifications to any current Unit Owner's or tenant's use of the roof to cause interference with or cause the improper operation of TENANT'S Radio Equipment. LESSOR further agrees not to lease any portion of the roof or the Building for placement of any other radio or cellular communication facilities which may interfere with TENANT'S use of the Lease Premises.

D. LESSOR shall cooperate with TENANT in TENANT'S effort to obtain utility services for the operation of the Radio Equipment by signing such documents or easements as may be required by utility companies. LESSOR shall furnish the Lease Premises with electric service sufficient for the operation of TENANT'S Radio Equipment. Any change in existing electrical facilities required to meet the needs of TENANT'S Radio Equipment shall be made at TENANT's expense. Any special electrical lines, conduit, circuit breaker switches or other electrical facilities located within the Building shall be installed by a qualified electrical contractor of TENANT'S choice and at TENANT'S expense.

E. TENANT shall have the right to install, at its sole expense, supplementary air conditioning equipment in order to provide air conditioning on a twenty-four (24) hour a day, seven (7) days a week basis. Any supplemental air conditioning installed will be internal to the Building Space and will not require roof space or penetration of any roof surface. Any necessary supplemental air conditioning system shall be self-contained and will be attached to existing building air conditioning water drainage. The TENANT will be responsible for all damage to the common elements or Association property from the installation, maintenance or removal of its equipment.

F. TENANT agrees that all finish work and any construction expense related to the installation of TENANT'S Radio Equipment will be at TENANT'S expense.

2. This Lease shall be for an initial term of five (5) years (the "Initial Term") beginning on the date TENANT obtains all building permits and required approvals for the installation of the Radio Equipment (the "Effective Date"). TENANT shall notify LESSOR of the attainment of all

permits and required approvals or the Effective Date in the form of the Effective Date Letter attached hereto as Exhibit "C." The Effective Date established by TENANT in such Effective Date Letter shall be binding upon LESSOR, whether or not LESSOR executes such Effective Date Letter, unless LESSOR provides written notice to TENANT within five (5) days of the date of said Effective Date Letter that it disputes the date established by TENANT as of the Effective Date.

A. The rent for the Initial Term shall be Thirty Thousand and No/100 Dollars (\$30,000.00), to be paid in a lump sum payment upon execution of this Lease by LESSOR and TENANT. The rent for the Initial Term shall be refundable in the event that TENANT is unable to obtain all required permits and approvals for the installation of the Radio Equipment or in the event that the inspections to be performed by TENANT pursuant to Section 20 are unacceptable or indicate deficiencies that restrict or prohibit TENANT'S use of the Lease Premises and/or Building for a Radio Communications Facility as contemplated in this Lease. In such instance, TENANT shall have the right to terminate this Lease upon written notice to LESSOR and receive a refund of all rent paid LESSOR for the Initial Term, wherein the parties shall be relieved of all further rights and obligations pursuant to this Lease.

B. TENANT shall have the option to renew this Lease for four (4) additional five (5) year terms (the "Renewal Terms"), and such renewals shall automatically occur unless TENANT provides LESSOR with written notice of its intention not to renew the Lease at least 90 days prior to the end of the current term or applicable renewal term. The rent for the renewal term(s) will be the same as the initial five (5) year term in the amount of Thirty Thousand and No/100 Dollars (\$30,000.00), payable in a lump sum at the commencement of the renewal term(s).

C. Notwithstanding the foregoing, TENANT shall have the right to terminate this Lease at any time upon written notice to LESSOR, at least 90 days prior to termination. In the event of a termination of this Agreement by TENANT during the Initial Term or any subsequent Renewal Term, LESSOR shall return to TENANT a pro rata share of the prepaid rent received by LESSOR at the commencement of the Initial Term or Renewal Term during which the termination occurs. The amount of prepaid rent to be returned to TENANT shall be equal to the total amount of rent paid for the term divided by the total number of days in the term (the "Daily Rate") multiplied by the number of days between the effective date of the termination and the end of the term during which the termination takes place.

D. If at the end of the fourth (4th) five (5) year Renewal Term, this Lease has not been terminated by the TENANT as provided herein, this Lease shall continue in force upon the same covenants, terms and conditions for a further term of one (1) year, and for annual terms thereafter until terminated by either party by giving to the other written notice of its intention to so terminate at least 90 days prior to the end of such term. Monthly rental for this period shall be equal to the rent paid for the last month of the fourth (4th) five (5) year renewal term. During a one year Renewal Term, monthly rent shall be paid by the TENANT on or before the 5th day of each month. In the event that TENANT remits payment of the monthly rent to LESSOR after the 5th day of the month, TENANT shall pay to LESSOR, a FIFTY DOLLAR administrative charge in addition to the rent due for the month in which the late payment is remitted.

3. LESSOR also grants to TENANT the right to survey the Lease Premises and the legal description on the survey shall then become Exhibit "B" to this Lease, which shall be attached hereto and made a part hereof, and shall control in the event of discrepancies between it and Exhibit "A". LESSOR grants TENANT the right to take measurements, make calculations, and to note other structures, setbacks, uses, or other information as deemed by TENANT to be relevant and pertinent as such information relates to the Lease Premises. The cost of such survey work shall be borne by TENANT.

4. TENANT shall use the Building Space and Rooftop Space for the purpose of constructing, maintaining and operating a Radio Communications Facility and uses incidental thereto, consisting of the mounting of antennas and equipment on the Rooftop Space, the placement of equipment in the Building Space, and cable or transmission lines running between the Rooftop Space and the Building Space. All improvements shall be at TENANT'S expense. TENANT will maintain the Rooftop Space and the Building Space in a reasonable condition. It is understood and agreed that TENANT'S ability to use the Rooftop Space and Building Space is contingent upon its obtaining, after the execution date of this Lease, all of the certificates, permits and other approvals that may be required by any federal, state or local authorities. LESSOR shall cooperate with TENANT in its efforts to obtain such permits and approvals, including the execution and joinder in any applications or documents required for such permits and approvals, and shall take no action which would adversely affect the status of the Rooftop Space and Building Space with respect to the proposed use thereof by TENANT. In the event that any of such applications should be finally rejected or radio frequency tests are found to be unsatisfactory or any certificate, permit, license or approval issued to TENANT is canceled, expires, lapses or is otherwise withdrawn or terminated by governmental authority so that TENANT, in its sole discretion, will be unable to use the Building Space and Rooftop Space for its intended purposes, TENANT shall have the right to terminate this Lease. Notice of the TENANT'S exercise of its right to terminate shall be given to LESSOR in writing by certified mail, return receipt requested, and shall be effective upon receipt of such notice by the LESSOR as evidenced by the return receipt. All rentals paid to said termination date shall be prorated as described in Paragraph 2.C. Upon such termination, this Lease shall become null and void and all the parties shall have no further obligations, including the payment of money, to each other. Tenant shall remain responsible for cost of repair of any damage caused by the installation, maintenance and removal of the Radio Equipment.

5. Subject to the provisions and monetary limitations of Section 768.28, Florida Statutes, TENANT shall indemnify and hold LESSOR harmless against any claims of liability or loss from personal injury or property damage resulting from or arising out of the use and occupancy of the Building Space and Rooftop Space by the TENANT, excepting, however, such claims or damages as may be due to or caused by the acts of the LESSOR, or its servants, agents, employees, contractors, or Unit Owners, tenants or occupants of the Building.

6. LESSOR and TENANT agree that the TENANT shall maintain, at its sole expense, a General Liability Insurance policy under the Florida Municipal Insurance Trust ("Trust"), in an amount not less than Five Million Dollars (\$5,000,000.00) per occurrence, during the term of this Lease. TENANT shall hold harmless, the LESSOR and CSI for any damage or injury to the Radio Equipment and/or City personnel or City contractors unless such damage or injury is the direct result of actions taken by LESSOR, CSI or their respective contractors or agents.

7. TENANT shall be responsible for making any necessary returns for and paying any and all Building taxes separately levied or assessed against its facilities on the Building.

8. TENANT upon termination of this Lease, shall, within a reasonable period, remove the Radio Equipment from the Building Space and Rooftop Space. Tenant shall be responsible for cost of repair of any damage to the Building caused by the installation, maintenance and removal of the Radio Equipment.

9. Should the LESSOR, at any time during the term of this Lease, decide to sell all or any part of the Building, such sale shall be under and subject to this Lease and TENANT'S rights hereunder.

10. LESSOR covenants that TENANT shall peaceably and quietly have, hold and enjoy the Lease Premises.

11. LESSOR covenants that LESSOR is seized of good and sufficient title and interest to the real property and Building and has full authority to enter into and execute this Lease. LESSOR further covenants and represents to TENANT that it has obtained all approvals required by the Declaration of Condominium, and all amendments thereto, Articles of Incorporation, Bylaws and Rules and Regulations of the Coronado Condominium Association Inc and/or Unit Owners, and will provide TENANT with a duly executed and authorized Resolution of its Board setting forth these approvals. LESSOR further covenants that there are no liens, judgments, restrictions, or impediments to title of the Building and lease of the Lease Premises to TENANT.

12. LESSOR represents and warrants that the Building is in compliance with all laws, ordinances, notices, orders, rules, regulations and requirements of any and all federal, state, or municipal governments or the appropriate departments, commissions, boards and offices thereof, as well as any and all notices, orders, rules and regulations of the National Board of Fire Underwriters, or any other body exercising similar functions relating to all or part of the Building.

13. This Lease and the performance thereof shall be governed, interpreted, construed and regulated by the laws of the State of Florida.

14. This Lease may not be sold, assigned or transferred at any time without the written consent of the LESSOR, such consent not to be unreasonably withheld. TENANT may sublease this Lease upon notice to LESSOR.

15. All notices hereunder must be in writing and shall be deemed validly given if sent by certified mail, return receipt requested, addressed as follows (or any other address that the party to be notified may have designated to the sender by like notice):

LESSOR:

Coronado Condominium Association Inc.

20301 West Country Club Drive
2nd Floor
Aventura, Florida 33180

With Copy To:

Kaye Bender Rembaum, PL Attorneys at Law
Attn: Michael Bender
1200 Park Central Blvd South
Pompano beach, FL 33064

TENANT:

City of Aventura
19200 West Country Club Drive,
Aventura, Florida 33180
Attn: Mr. Eric M. Soroka, City Manager

With Copy To:

Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.
Attn: David Wolpin
200 East Broward Blvd. Suite 1900
Fort Lauderdale, FL 33301

16. This Lease shall extend to and bind the heirs, personal representatives, successors and assigns of the parties hereto.

17. At LESSOR'S option, this Lease shall be subordinate to any mortgage by LESSOR which from time to time may encumber all or part of the Building, provided, however, every such mortgage shall recognize the validity of this Lease in the event of a foreclosure of LESSOR'S interest and also TENANT'S right to remain in occupancy of and have access to the Lease Premises. TENANT shall execute whatever instruments may reasonably be required to evidence this subordination clause. In the event the Building is encumbered by a mortgage, the LESSOR, no later than thirty (30) days after this Lease is executed shall have obtained and furnished to TENANT a Non-Disturbance instrument in recordable form for each such mortgage.

18. If the whole of the Building or such portion thereof as will make the Building unusable for the purposes herein leased, are condemned by any legally constituted authority for any public use or purpose, then in either of said events the term hereby granted shall cease from time to time when possession thereof is taken by public authorities, and rental shall be accounted for as between LESSOR and TENANT as of that date. Any lesser condemnation shall in no way affect the respective rights and obligations of LESSOR and TENANT hereunder. Nothing in this provision shall be construed to limit or affect TENANT'S right to an award of compensation of any eminent domain proceeding for the taking of TENANT'S leasehold interest hereunder.

19. LESSOR and TENANT agree that this Lease or a Memorandum of Lease may be forwarded for recording or filing in the appropriate office of the County of Miami-Dade, and LESSOR and TENANT agree to take such actions as may be necessary to permit such recording or filing.

20. TENANT, during the term of this Lease, at the sole cost of TENANT, shall have the right to perform or cause to be performed any inspections of the roof or the Rooftop Space and the Building, and any other inspections TENANT deems necessary. TENANT shall provide LESSOR with a copy of any roof inspection report or other reports prepared pursuant to this paragraph (the "Report") and LESSOR shall acknowledge in writing the condition of the roof as set forth therein. All deficiencies evidenced in the Reports shall be deemed preexisting conditions and TENANT shall not be responsible for or required to repair any item as evidenced in the Report. At TENANT'S option, should the Report indicate deficiencies or needed repairs to the Roof, TENANT may cancel this Lease and all rent paid by TENANT shall be prorated as of the termination date, and LESSOR shall refund to TENANT all rent paid prorated as of the termination date.

21. In connection with any litigation arising out of this Lease, the prevailing party, whether LESSOR or TENANT, shall be entitled to recover all reasonable costs incurred including reasonable attorney's fees for services rendered in connection with any enforcement or breach of contract, including appellate proceedings and post judgment proceedings.

In accordance with Florida Law, the following statement is hereby made:

RADON GAS: Radon is a natural occurring radioactive gas that, when it has accumulated in a building in sufficient quantities, may present health risks to persons who are exposed to it over time. Levels of radon that exceed federal and state guidelines have been found in buildings in Florida. Additional information regarding radon and radon testing may be obtained from your county public health unit.

22. LESSOR shall hold TENANT harmless from and indemnify TENANT against and from any damage, loss, expenses or liability resulting from the discovery by any person of hazardous substances generated, stored, disposed of, or transported to or over the Building, as long as such substance was not stored, disposed of, or transported to or over the Building by TENANT, its agents, contractors, employees, or invitees.

23. LESSOR shall permit TENANT to utilize LESSOR'S existing generator on the Building to provide back-up power to the TENANT'S Facilities. TENANT understands that this generator is a back-up power source only and releases the LESSOR from any liability resulting from the failure of this equipment. Additional back up power sources such as a battery back-up will be installed at the TENANT's expense. All electrical connectivity to LESSOR's existing generator will be completed by a qualified electrical contractor and permitted by the CITY inspectors to ensure that it is properly tied to the generator.

24. This Lease shall be executed in three (3) counterparts, each of which shall be deemed an original, and such counterparts shall constitute but one and the same Lease.

IN WITNESS WHEREOF, the parties have executed this Lease Agreement as of the date set forth herein above.

LESSOR:

By: *Neil Greenspoon*
Name: NEIL GREENSPOON
Title: President
Date Executed: 8/27/2013

By: _____
Name: _____
Title: Secretary

STATE OF FLORIDA)
 SS:
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 27 day of August, 2013, by Neil Greenspoon, as President of, on its behalf, who (check one) [] is personally known to me or has produced a FLDL driver's license as identification.



ELENA V. HERNANDEZ
Notary Public, State of Florida
Commission #EE5716
My Commission Expires Jun. 30, 2014

Elena V. Hernandez
NOTARY PUBLIC, State of Florida
Print Name: Elena V. Hernandez

My Commission Expires: June 30, 14

EXHIBIT "A"

DESCRIPTION OF ROOFTOP SPACE AND BUILDING SPACE

EXHIBIT "B"

SURVEY AND LEGAL DESCRIPTION OF LEASE PREMISES

TO BE ATTACHED

EXHIBIT "C"

Effective Date Letter

Lease Agreement

Coronado Condominium Association, Inc.

_____, 20__

Coronado Condominium Association, Inc.
Attention: Manager
20301 West Country Club Drive
Aventura Florida, 33180

Re: Lease Agreement dated _____, 2013 by and between Coronado Condominium Association Inc., as Lessor, and City of Aventura, as Tenant (the "Lease")

Dear _____:

This letter confirms the Effective Date for the initial Lease Term is _____.
The Expiration Date of the initial Lease Term shall be _____.

Please countersign this letter in the place provided below and return an executed copy to acknowledge your receipt of this notice and agreement to the information contained herein. Please return an executed copy to me. If I do not receive your countersigned copy within five (5) days following your receipt, or your notice stating any objection, then we will deem your failure to respond as conclusively evidencing your agreement to this letter.

Should you have any questions, please call me.

Very truly yours,

By: _____

Name Printed: _____

Title: _____



Coronado Tower

Google Earth - Edit Placemark

Name: Coronado Tower

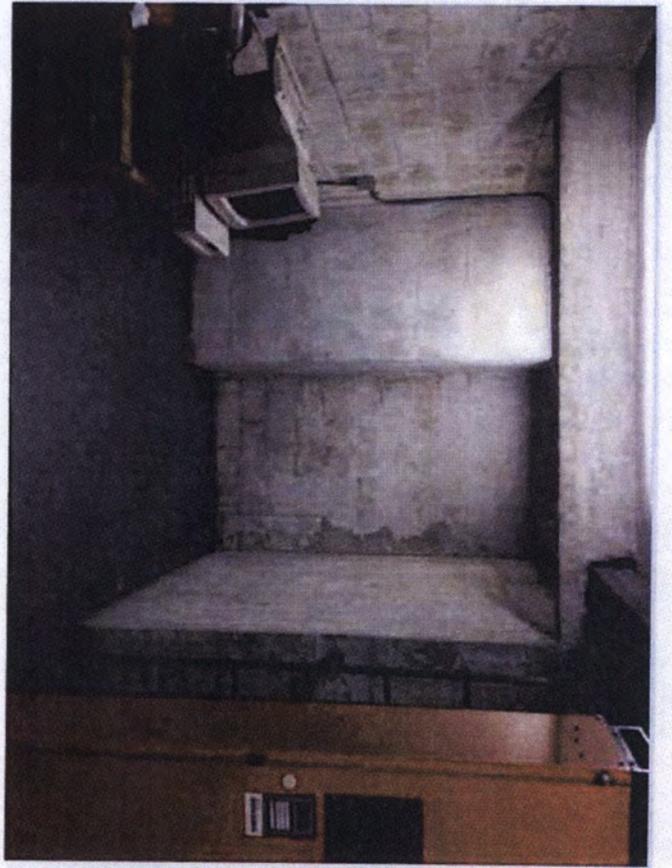
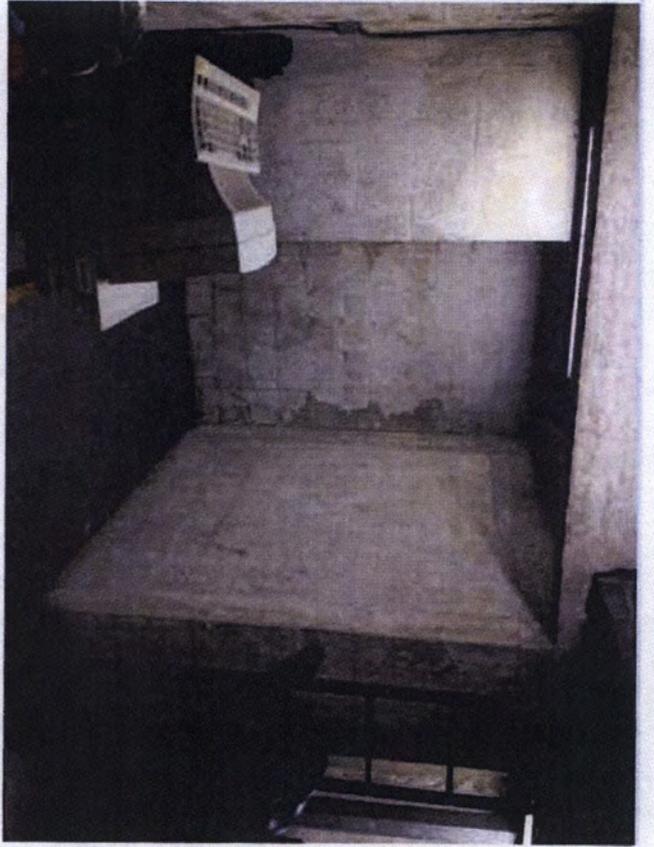
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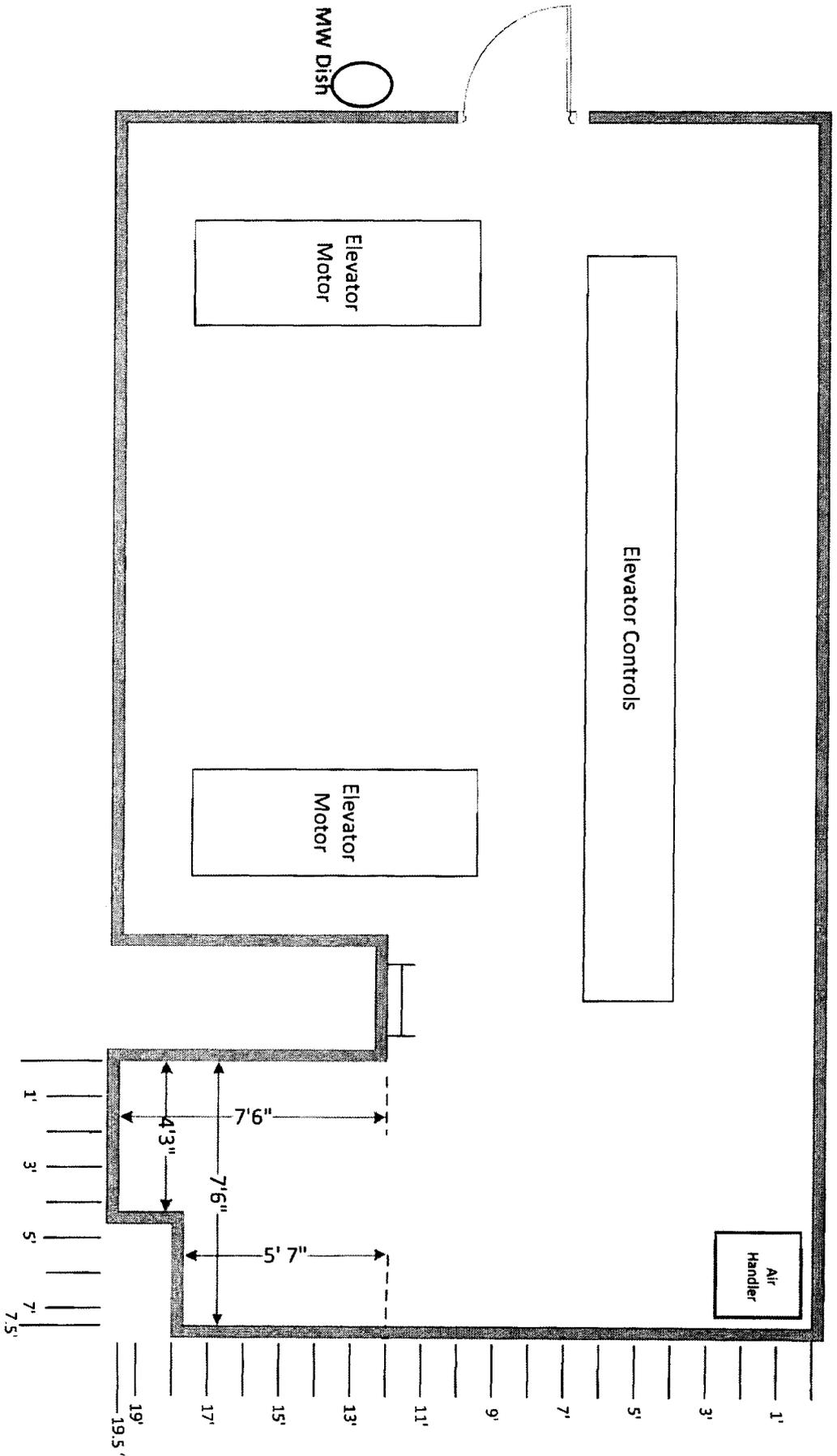
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© 2013 Google

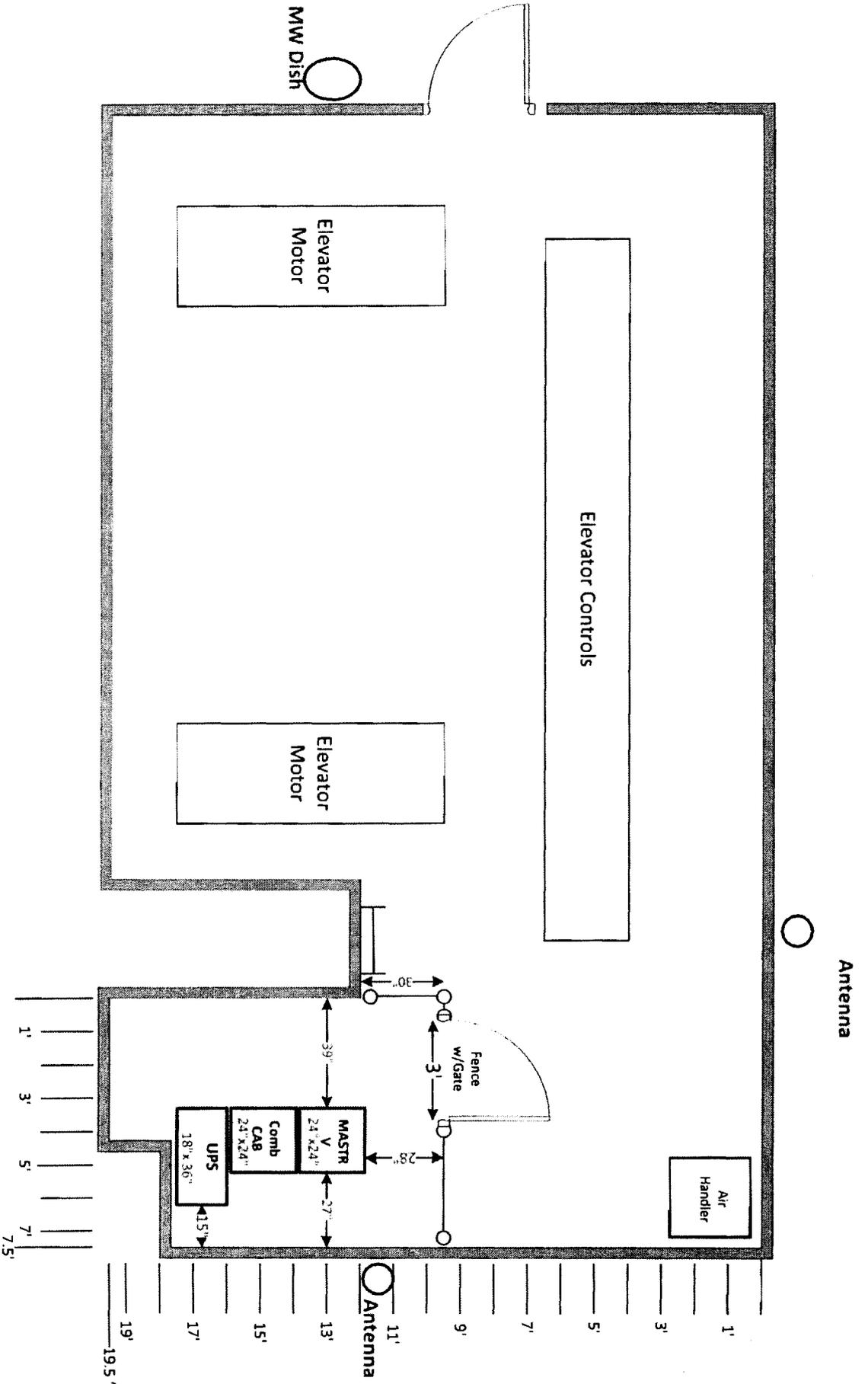
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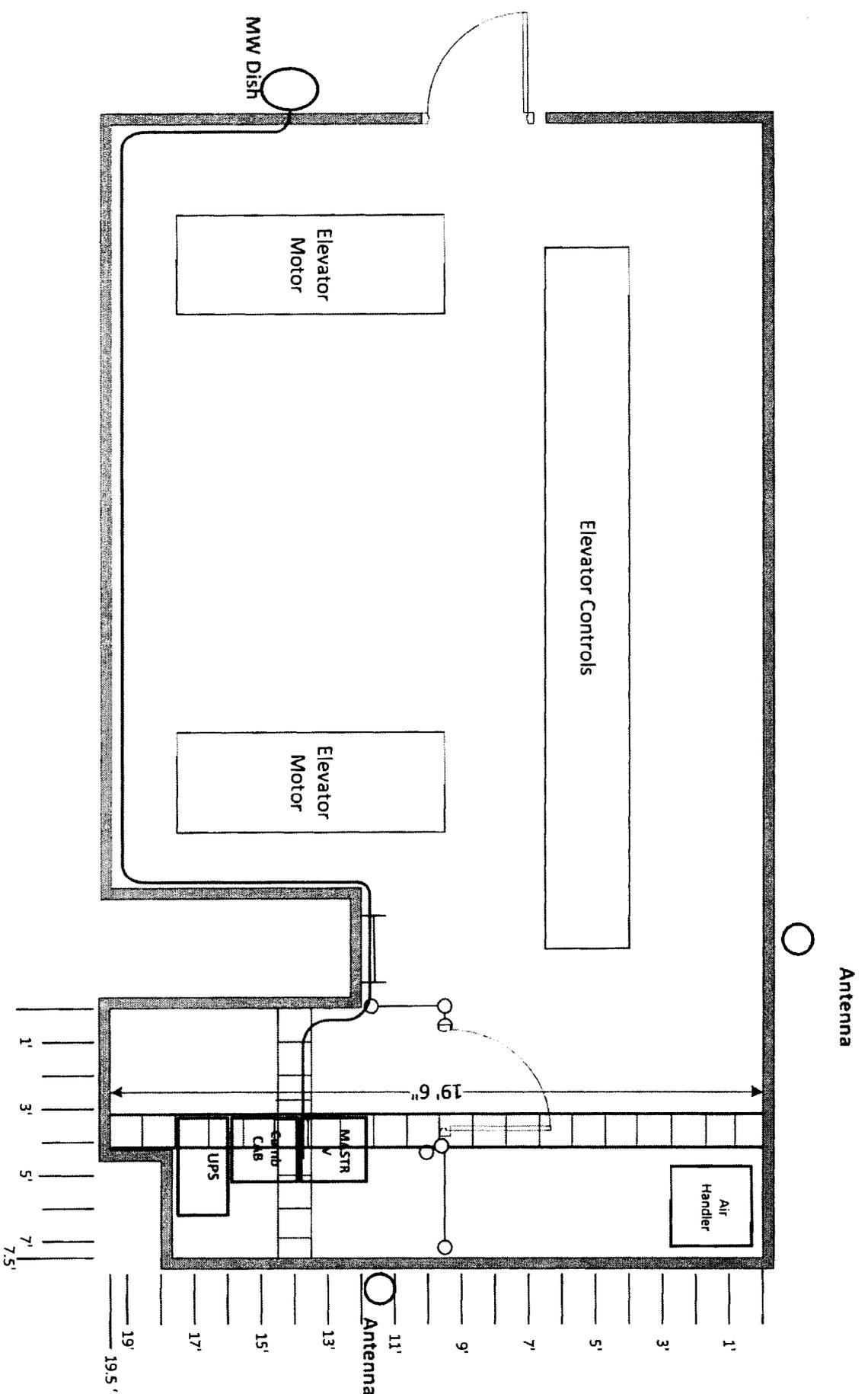




 Communications International	MBP (unconfigured)
Aventura Coronado Site Layout	
Prepared By: Bill Durance	REV: 1
5/28/2013	Fig.
Confidential, Proprietary, and Competition Sensitive	



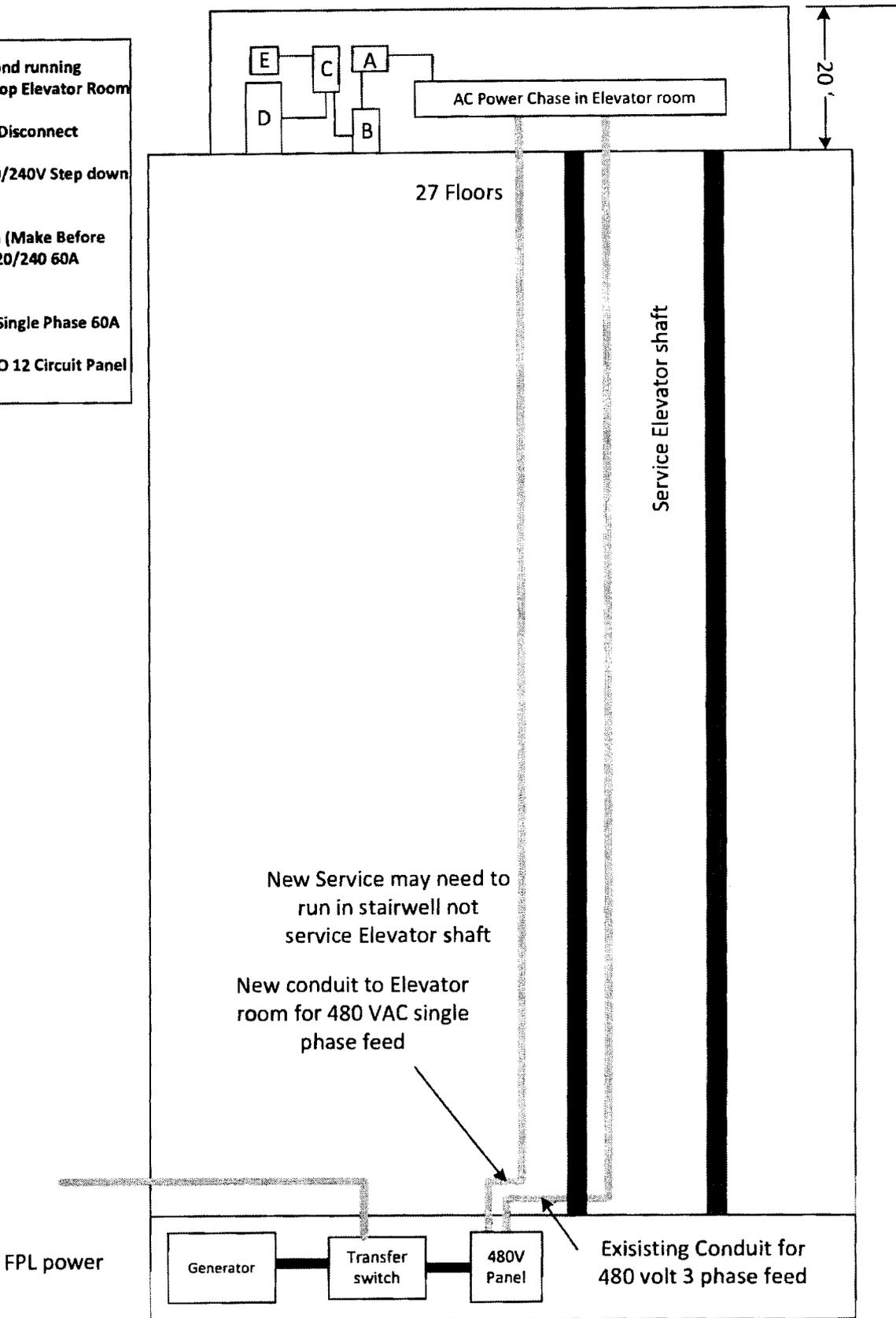
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Aventura Coronado Site Layout	
Prepared By: Bill Durance	Fig.
5/28/2013	REV.1
Confidential, Proprietary, and Copyright Sensitive	



	Communications International	M&P (unconfigured)
Aventura Coronado Site Layout		
Prepared By:	BH Durance	Fig
REV1	5/26/2013	
Confidential, Proprietary, and Competition Sensitive		

Coronado Tower AC Power Upgrades for Aventura PD

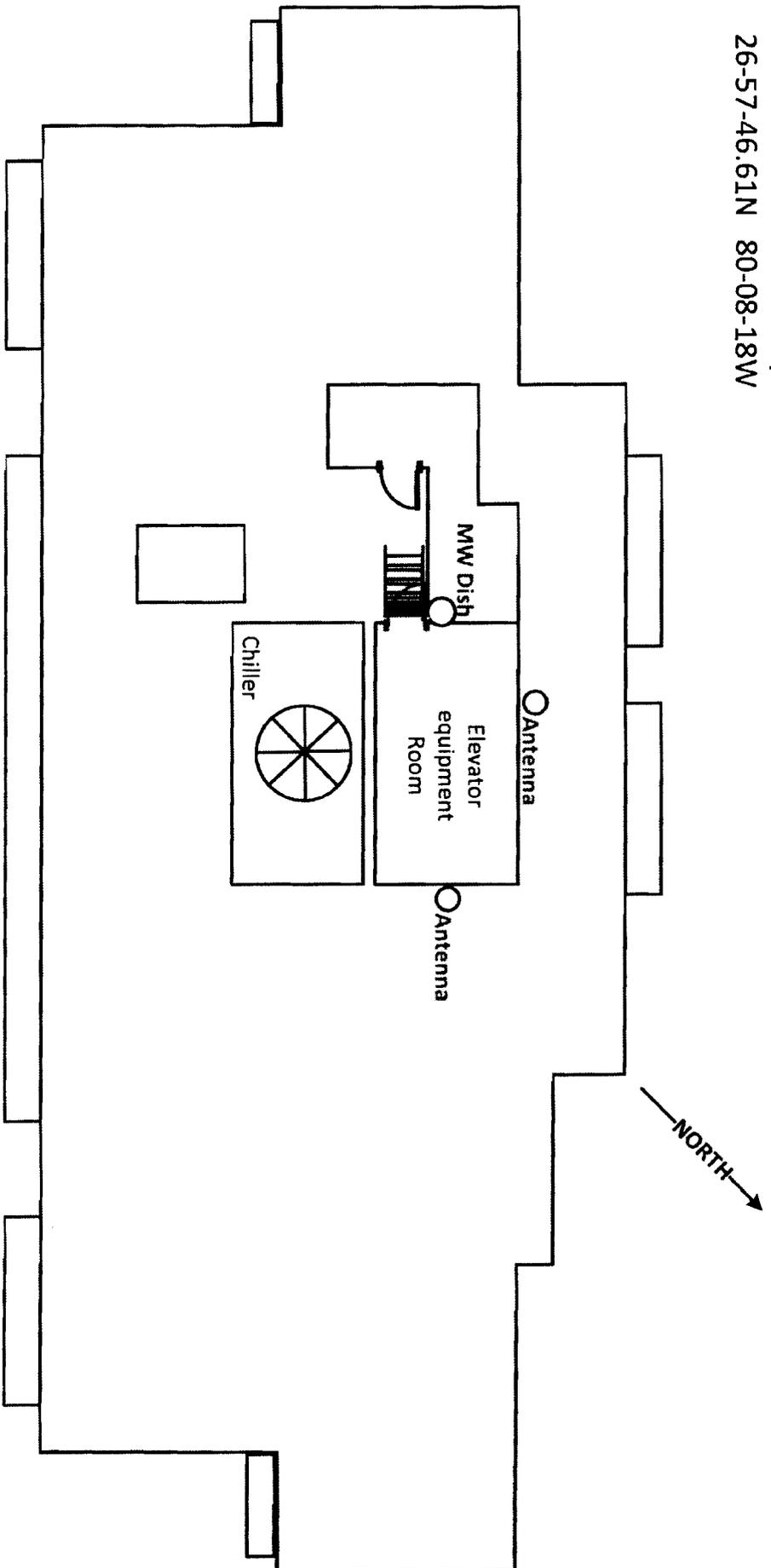
- Additions beyond running power to rooftop Elevator Room**
- A. 480VAC SP Disconnect
 - B. 480 V to 120/240V Step down transformer
 - C. MBB Switch (Make Before Break) input 120/240 60A
 - D. UPS
 - E. 120/240 MLO 12 Circuit Panel



Spare breaker space available in Panel

Communications International	MBP (unconfigured)
Aventura Coronado Towers Site	
Prepared By: Bill Durrance	Fig.
7/29/2013	REV3
Confidential, Proprietary, and Competition Sensitive	

Coronado Condo Rooftop
26-57-46.61N 80-08-18W



Ci Communications International	Map (unconfigured)
Aventura Coronado Condo Site	
20335 West Country Club Drive	
Aventura, FL 33180	
Prepared By: Bill Durzance	Fig.
5/28/2013	REV 1
Confidential, Proprietary, and Competition Sensitive	

CITY OF AVENTURA

OFFICE OF THE CITY MANAGER

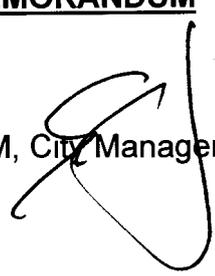
MEMORANDUM

TO: City Commission

FROM: Eric M. Soroka, ICMA-CM, City Manager

DATE: August 16, 2013

SUBJECT: **Resolution Authorizing the City Manager to Take Action to Convert NE 29th Place to a Public Street and Prepare Plans to Implement Safety, Lighting and Landscape Improvements.**



September 3, 2013 City Commission Meeting Agenda Item SK

RECOMMENDATION

It is recommended that the City Commission adopt the attached Resolution authorizing the City Manager to take action to convert NE 29th Place to a public street and prepare plans to implement safety, lighting and landscape improvements.

BACKGROUND

In January 1997, the City Commission adopted Resolution No. 97-05 approving a policy governing the conversion of private roads to public roads in the City. Since that time, the following roadways have been converted from private to public roads:

NE 183 rd Street	NE 190 th Street
NE 207 th Street	Turnberry Way
NE 214 th Street	NE 27 th Court
NE 35 th Avenue	Yacht Club Drive

The Policy section of our Capital Improvements Program Document specially states "Accept the dedication of private roads throughout the City in accordance with the Policy governing the conversion of private roads to public roads as outlined in Resolution No. 97-05".

As previously reported, I have been meeting with the representatives of the Aventura Mall and the Publix Shopping Center to discuss the NE 29th Place Safety Study and Improvements. As you know, the road is private and is owned by both the Mall and Regency Centers, the owner of the Publix Shopping Center. All parties have agreed that the best solution to implement the recommended improvements would be for the road to be converted to a public road under the jurisdiction of the City

Memo to City Commission
Page 2

Although the City would be responsible for incurring the majority of the costs for the improvements, with the opening of the Library next year, in the long run I feel this is a better solution. This would also allow the City to install decorative street lighting and landscaping on NE 29th Place to improve the appearance of the area.

In order for the County to review and approve the proposed safety improvements, complete engineering plans are required. The Work Authorization for the City Engineer to prepare the plans is also included on this Agenda.

The next step in this process will be presenting a Resolution to the City Commission authorizing the execution of the Agreement to accept the dedication of the roadway. Once the necessary legal documents have been prepared and signed off by the current owners, the Agreement will be presented to the City Commission.

If you have any questions, please feel free to contact me.

EMS/act

RESOLUTION NO. 97-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AVENTURA, FLORIDA ADOPTING A POLICY GOVERNING THE CONVERSION OF PRIVATE ROADS TO PUBLIC ROADS IN THE CITY OF AVENTURA; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council desires to establish a uniform and consistent policy governing the conversion of private roads to public roads in the City of Aventura; and

WHEREAS, a sub-committee of the City Council has met and developed a recommended policy for roadway conversions in the City of Aventura; and

WHEREAS, the City Council accepts the recommendation of the Council sub-committee and hereby establishes a policy governing the conversion of private roads to public roads; and

WHEREAS, it is in the best interests of the residents of the City of Aventura for their safety and welfare to convert certain roadways from private ownership to public ownership by the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AVENTURA, FLORIDA, THAT:

Section 1. The following policy is hereby adopted as the Roadway Conversion Policy for the City of Aventura:

1. Street Lighting

In those cases where site plan, plat and development approvals by a government agency does not or did not

require the installation of street lighting outlined in the Roadway Conversion Engineering Report and Recommendations, as prepared by Keith and Schnars, P.A., dated December 9, 1996, the City of Aventura shall pay for the cost of installing street lighting after the private road is dedicated to the City. Furthermore, in the case where an enforceable written agreement exists requiring a developer to install street lighting, such developer shall assume the costs of installing street lighting.

2. Drainage Improvements

Once the Storm Water Utility Program is established for the City, the City shall pay for the cost of drainage improvements after the private road is dedicated to the City, in those cases where site plan, plat and development approvals by a government agency does not or did not require such drainage improvements as outlined in the Roadway Conversion Engineering Report and Recommendations, unless otherwise provided in an enforceable written agreement with a developer. In such case, such developer shall assume the cost of drainage improvements.

3. Legal documentation for dedication to the City

The entity dedicating the private road to the City shall absorb and pay the cost of preparing the legal documentation for dedication to the City.

4. Developer Improvements

In those cases where site plan, plat and development approvals by a government agency require improvements such as pavement overlay markings and signage, and sidewalk installation as outlined in the Roadway Conversion Engineering Report and Recommendations, the entity dedicating the private road to the City shall absorb and pay the cost of said improvements.

5. Liability and Insurance

In those cases, where safety recommendations, as outlined in the Roadway Conversion Engineering Report referenced above, are required prior to the City accepting the roadway, the following policy shall be established: The private entity shall hold the City harmless from any liability and provide

insurance in amounts acceptable to the City's insurance carrier to protect the City until such time that the improvements are completed.

6. Safety Recommendations

In those cases, where safety recommendations, as outlined in the Roadway Conversion Engineering Report referenced above, are required prior to the City accepting the roadway, the following policy shall be established: The private entity shall be responsible for upgrading the existing guardrail and sidewalks to meet safety requirements.

7. Funding Alternatives

The City will pursue all available outside funding sources in order to fund conversion requirements as established by this Resolution.

Section 2. The City Manager's memorandum attached hereto as Exhibit "A" will serve as a guide in the application of the Roadway Conversion Policy.

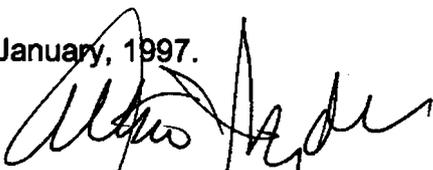
Section 3. The City Manager is hereby authorized to do all things necessary to carry out the aims of this Resolution.

Section 4. This Resolution shall become effective immediately upon its adoption.

The foregoing Resolution was offered by Councilmember Rogers-Libert, who moved its adoption. The motion was seconded by Councilmember Perlow, and upon being put to a vote, the vote was as follows:

Councilmember Jay R. Beskin	yes
Councilmember Ken Cohen	yes
Councilmember Harry Holzberg	yes
Councilmember Jeffrey M. Perlow	yes
Councilmember Patricia Rogers-Libert	yes
Vice Mayor Arthur Berger	yes
Mayor Arthur I. Snyder	yes

PASSED AND ADOPTED this 21st day of January, 1997.



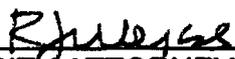
ARTHUR I. SNYDER, MAYOR

ATTEST:



TERESA M. SMITH, CMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:



CITY ATTORNEY

RESOLUTION NO. 2013-__

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA AUTHORIZING THE CITY MANAGER TO TAKE ACTION TO CONVERT NE 29TH PLACE TO A PUBLIC STREET AND PREPARE THE NECESSARY PLANS TO IMPLEMENT SAFETY, LIGHTING AND LANDSCAPE IMPROVEMENTS; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is in the best interests of the residents of the City of Aventura for their safety and welfare to convert NE 29th Place to public ownership by the City; and

WHEREAS, the City Commission desires to implement certain recommended safety, lighting and landscape improvements to NE 29th Place.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA:

Section 1. The City Manager is hereby authorized to take action to convert NE 29th Place to a public street and prepare the necessary plans to implement the safety, lighting and landscape improvements for this street.

Section 2. The City Manager is hereby authorized to do all things necessary to carry out the aims of this Resolution.

Section 3. This Resolution shall become effective immediately upon its adoption.

The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Commissioner Enbar Cohen	_____
Commissioner Teri Holzberg	_____
Commissioner Billy Joel	_____
Commissioner Howard Weinberg	_____
Commissioner Luz Urbaez Weinberg	_____
Vice Mayor Michael Stern	_____
Mayor Susan Gottlieb	_____

PASSED AND ADOPTED this 3rd day of September, 2013.

Attest:

Susan Gottlieb, Mayor

Teresa M. Soroka, MMC
City Clerk

Approved as to Form and Legal Sufficiency:
City Attorney

David M. Wolpin

CITY OF AVENTURA
CITY MANAGER'S OFFICE

MEMORANDUM

TO: City Commission

FROM: Eric M. Soroka, ICMA-CM, City Manager

BY: Antonio F. Tomei, Capital Projects Manager

DATE: August 20, 2013

SUBJECT: **Recommendation – Work Authorization No. 01-0103-171
Professional Design Services for Road Resurfacing Improvements
Country Club Drive – Southbound, Craven Thompson & Associates,
Inc.**



September 3, 2013, City Commission Meeting Agenda Item 5-L

Recommendation

It is recommended that the City Commission adopt the attached Resolution approving Work Authorization No. 01-0103-171 for Craven Thompson and Associates, Inc. to perform Professional Design Services for road resurfacing Improvements to Country Club Drives Southbound in the amount of \$62,600. This project is included in the Capital Improvements Program for the 2013/14 fiscal year.

Background

The project is to be designed in accordance with the City's Capital Improvement Program approved by the City Commission. In particular, design plans will address milling and resurfacing improvements to the outside portion of Country Club Drives beginning at the north right-of-way of NE 192nd Street (i.e. NE 192nd Street and East Country Club Drive) to the north right-of-way of NE 190th Street (i.e. NE 190th Street and West Country Club Drive). The cost includes services pertaining to civil design, permitting, bidding and construction services. The proposed budget is \$885,000 and will be funded by Budget Line Item #120-5001-541-6305.

If you have any questions or need any additional information, please feel free to contact me.

RESOLUTION NO. 2013-___

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE ATTACHED WORK AUTHORIZATION NO. 01-0103-171 FOR PROFESSIONAL DESIGN SERVICES FOR THE COUNTRY CLUB DRIVES (SOUTHBOUND) RESURFACING IMPROVEMENTS PROJECT BY AND BETWEEN THE CITY OF AVENTURA AND CRAVEN THOMPSON AND ASSOCIATES, INC.; AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, THAT:

Section 1 The City Manager is hereby authorized to execute attached Work Authorization No. 01-0103-171 in the amount of \$62,600 for professional design services for the Country Club Drives (Southbound) Resurfacing Improvements project by and between the City and Craven Thompson and Associates, Inc.

Section 2 The City Manager is authorized to do all things necessary to carry out the aims of this Resolution.

Section 3 That the funds to be allocated and appropriated pursuant hereto and for the purposes of carrying out the tenets of this Resolution shall be from Budget Line Item Number 120-5001-541-6305.

Section 4 This Resolution shall become effective immediately upon its adoption.

The foregoing Resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Commissioner Enbar Cohen	___
Commissioner Teri Holzberg	___
Commissioner Billy Joel	___
Commissioner Howard Weinberg	___
Commissioner Luz Urbáez Weinberg	___
Vice Mayor Michael Stern	___
Mayor Susan Gottlieb	___

PASSED AND ADOPTED this 3rd day of September, 2013.

SUSAN GOTTLIEB, MAYOR

ATTEST:

TERESA M. SOROKA, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

WORK AUTHORIZATION NO. 01-0103-171

The City of Aventura has requested Work Authorization No. 01-0103-163 as provided for in the Agreement between the City of Aventura and Craven Thompson and Associates, Inc. and approved by the City Commission on July 3, 2001.

This Work Authorization No 01-0103-171 provides for technical services in accordance with Articles 3, 4, 6, 7 and 8 of the Agreement as further detailed in the scope of services in Exhibit A.

Payment for such services shall be in accordance with Article 5 of the Agreement.

Design Phase

Prepare Design Drawings (Task No. 34040)	\$36,000.00
Permitting (Task No. 31080).....	\$3,500.00
Project Management (Task No. 34040)	<u>\$3,000.00</u>
Total Design Phase	\$42,500.00

Bidding Phase

Prepare Bid Documents (Task No. 34060).....	<u>\$2,500.00</u>
Total Bidding Phase.....	\$2,500.00

Construction Phase

Daily Site Visits (based on 90 day const) (Task No. 34070)	\$15,000.00
Project Closeout Documentation (Task No. 34070)	<u>\$1,500.00</u>
Total Construction Phase	\$16,500.00

Reimbursable Expenses

Printing, Graphics, Communications, Couriers, Etc. (Task No. 34100).....	<u>\$1,100.00</u>
Total Reimbursable Expenses.....	\$1,100.00

Total Estimated Labor Expenses are	\$61,500.00
Total Estimated Reimbursable Expenses are.....	\$1,100.00

The time period for this work authorization will be:

Design Phase	45 Days
Permitting Phase	90 Days
Bidding Phase	75 Days
Construction Services Phase (estimate).....	120 Days

CITY:

CITY OF AVENTURA, FLORIDA
through its City Manager

BY _____
City Manager

Eric M. Soroka, ICMA-CM

_____ day of _____, 2013

Notice to Proceed ___ Yes ___ No

Project Initiation Date _____

RECOMMENDED through its
Capital Projects Manager

BY Antonio F. Tomei
Capital Projects Manager

Antonio F. Tomei

20 day of Aug., 2013

Exhibit A

Consultant shall prepare roadway milling, resurfacing and pavement marking drawings for the following area:

The outside half right-of-way of Country Club Drive from the north right-of-way of NE 190th Street (i.e., NE 190th Street and West Country Club Drive) to the north right-of-way of NE 192nd Street (i.e., NE 192nd Street and East Country Club Drive). This work encompasses approximately 2.4 miles of roadway. The construction limits will match the end of the construction limits for the milling and resurfacing previously completed on NE 190th Street and the proposed milling and resurfacing limits for the FDOT project on NE 192nd Street. Attached is an exhibit showing the limits of work.

The survey portion of this work was authorized and completed under Work Authorization No. 163.

Our scope of service shall include engineering design and construction services. Consultant will more specifically perform the following:

- Prepare roadway resurfacing and pavement marking plans.
- Prepare Engineers' Cost Estimate for the proposed improvements.
- Prepare technical specification for inclusion into the City's Bid package.
- Prepare Bid package and assist City in bidding the project.
- Miscellaneous coordination with agencies, franchise utilities, and/or City.
- Construction services, including periodic observation of the work to document conformance with specifications and drawings.

CITY OF AVENTURA
COUNTRY CLUB DRIVE MILLING AND RESURFACING - OUTSIDE HALF
PRELIMINARY OPINION OF PROBABLE CONSTRUCTION COST

Item	Quantity	Description	Unit
GENERAL			
1	1	GENERAL CONDITIONS	LS
2	1	MOBILIZATION	LS
3	1	MAINTENANCE OF TRAFFIC	LS
SUB-TOTAL			
ROADWAY IMPROVEMENTS			
4	28	REMOVE & DISPOSE EXISTING CURB	LF
5	49,868	MILL 1" OF ASPHALT	SY
6	49,868	INSTALL 1" ASPHALTIC CONCRETE (SUPERPAVE TYPE SP-9.5), INCLUDING TACK COAT	SY
7	28	FURNISH & INSTALL TYPE "D" CURB	LF
8	584	PROVIDE ASPHALT PAVEMENT restoration	SY
9	4	ADJUST EXISTING VALVE	EA
10	16	ADJUST EXISTING STORM AND SANITARY SEWER MANHOLE	EA
11	6	ADJUST EXISTING ELECTRICAL MANHOLE	EA
12	4	ADJUST EXISTING SANITARY CLEANOUT	EA
13	8	RESTORE EXISTING LOOP DETECTORS AND WIRELESS VEHICLE DETECTORS	EA
14	16	RESTORE EXISTING WIRELESS VEHICLE DETECTORS	EA
15	12	FURNISH & INSTALL PEDESTRIAN HANDRAIL PER FDOT STANDARD INDEX NO. 870	LF
SUB-TOTAL			
PAVEMENT MARKINGS			
16	1	INCLUDING ARROWS, MESSAGES, AND REFLECTIVE PAVEMENT MARKERS	LS
17	4	REMOVE AND REINSTALL EXISTING TRAFFIC SIGN	EA
18	4	REMOVE EXISTING SIGN AND FURNISH & INSTALL TRAFFIC SIGN TO EXISTING POST	EA
19	1	FURNISH & INSTALL TEMPORARY PAVEMENT MARKINGS	LS
20	1	CHANGES IN STRIPING QUANTITIES DUE TO M.D. CNTY. REV. S	LS
SUB-TOTAL			
21	1	ALLOWANCE FOR CITY OF AVENTURA POLICE DEPARTMENT PRESENCE (\$40/HR)	LS
TOTAL OPINION OF PROBABLE CONSTRUCTION COST			

AVG OF INSIDE HALF	BID PRICES	Extended Cost
Unit Price		
	\$ 23,000.00	\$ 23,000.00
	\$ 46,588.80	\$ 46,588.80
	\$ 37,622.80	\$ 37,622.80
	\$	\$ 107,211.60
	\$ 33.72	\$ 944.16
	\$ 2.60	\$ 129,656.80
	\$ 6.78	\$ 338,105.04
	\$ 56.90	\$ 1,593.20
	\$ 67.47	\$ 39,403.65
	\$ 238.00	\$ 952.00
	\$ 308.00	\$ 4,928.00
	\$ 607.00	\$ 3,642.00
	\$ 218.00	\$ 872.00
	\$ 1,520.00	\$ 12,160.00
	\$ 1,940.00	\$ 31,040.00
	\$ 157.00	\$ 1,884.00
	\$	\$ 565,180.85
	\$ 51,400.00	\$ 51,400.00
	\$ 300.00	\$ 1,200.00
	\$ 351.00	\$ 1,404.00
	\$ 23,900.00	\$ 23,900.00
	\$	\$ 20,000.00
	\$	\$ 97,904.00
	\$ 15,000.00	\$ 15,000.00
	\$	\$ 785,296.45

AVG OF INSIDE HALF	BID PRICES WITHOUT HHS & LOS	Extended Cost
Unit Price		
	\$ 10,000.00	\$ 10,000.00
	\$ 40,981.33	\$ 40,981.33
	\$ 31,038.00	\$ 31,038.00
	\$	\$ 82,019.33
	\$ 26.20	\$ 733.60
	\$ 2.50	\$ 124,670.00
	\$ 6.72	\$ 334,946.73
	\$ 36.50	\$ 1,022.00
	\$ 53.12	\$ 31,022.08
	\$ 280.00	\$ 1,120.00
	\$ 363.33	\$ 5,813.33
	\$ 728.33	\$ 4,370.00
	\$ 213.33	\$ 853.33
	\$ 1,700.00	\$ 13,600.00
	\$ 1,400.00	\$ 22,400.00
	\$ 161.67	\$ 1,940.00
	\$	\$ 542,491.08
	\$ 51,666.67	\$ 51,666.67
	\$ 233.33	\$ 933.33
	\$ 385.00	\$ 1,540.00
	\$ 20,833.33	\$ 20,833.33
	\$	\$ 20,000.00
	\$	\$ 94,973.33
	\$ 15,000.00	\$ 15,000.00
	\$	\$ 734,483.75

CITY OF AVENTURA

CITY MANAGER'S OFFICE

MEMORANDUM

TO: City Commission

FROM: Eric M. Soroka, ICMA-CM, City Manager 

DATE: August 20, 2013

SUBJECT: **Resolution Approving Work Authorization No. 01-0103-172 With Craven Thompson and Associates, Inc. for the N.E. 29th Place Safety Improvements**

September 3, 2013 City Commission Meeting Agenda Item 5M

RECOMMENDATION

It is recommended that the City Commission approve the attached Work Authorization No. 01-0103-172 with Craven Thompson and Associates, Inc. in the amount of \$53,700 for the N.E. 29th Place improvements.

BACKGROUND

As outlined in the memorandum dated August 16, 2013 regarding the conversion of N.E. 29th Place from a private to a public road and to begin the design work associated with the safety improvements, the attached Work Authorization will include the following tasks:

- Consultant will provide professional surveying, engineering and traffic engineering services specific to the preparation of construction documents for the construction of safety related improvements described in the N.E. 199th Street (Aventura Boulevard) at N.E. 29th Place Safety Study prepared by Kimley-Horn and Associates under Work Authorization 165.
- Prepare a boundary survey of N.E. 29th Place from Aventura Boulevard south to Abigail Road.
- Prepare engineering design plans, details and specifications for modifications to the southeast curb return and a crosswalk with embedded lights and rectangular rapid flashing beacons.
- Design electrical connection for embedded lights in the proposed crosswalk and decorative street lights.
- Review, calculate, and plot the boundaries for four (4) separate parcels straddling N.E. 29th Place between Aventura Boulevard and Abigail Road Florida based on legal descriptions and a title report provided by the City. The purpose

of this task is to determine the extent of the proposed roadway dedication for N.E. 29th Place. Prepare four (4) sketch and legal descriptions for the roadway corridor to be dedicated.

- Prepare engineer's cost opinion for the proposed improvements.
- Prepare and submit construction drawings to Miami-Dade County Public Works and Waste Management Department – Traffic Engineering Division.
- Coordinate with Miami-Dade Traffic and Signals Department regarding modifications to existing signals at the Aventura Boulevard / NE 29th Place intersection.
- Coordinate with City on proposed layout of the roadway limits.

If you have any questions or need any additional information, please feel free to contact me.

EMS/act

Attachment

CCO1814-13

RESOLUTION NO. 2013-____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE ATTACHED WORK AUTHORIZATION NO. 01-0103-172 FOR PROFESSIONAL DESIGN SERVICES FOR NE 29th PLACE SAFETY IMPROVEMENTS PROJECT BY AND BETWEEN THE CITY OF AVENTURA AND CRAVEN THOMPSON AND ASSOCIATES, INC.; AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, THAT:

Section 1 The City Manager is hereby authorized to execute attached Work Authorization No. 01-0103-172 in the amount of \$53,700 for professional design services for the NE 29th Place safety improvements project by and between the City and Craven Thompson and Associates, Inc.

Section 2 The City Manager is authorized to do all things necessary to carry out the aims of this Resolution.

Section 3 That the funds to be allocated and appropriated pursuant hereto and for the purposes of carrying out the tenets of this Resolution shall be from Budget Line Item Number 001-80-90-590-6999.

Section 4 This Resolution shall become effective immediately upon its adoption.

The foregoing Resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Commissioner Enbar Cohen	_____
Commissioner Teri Holzberg	_____
Commissioner Billy Joel	_____
Commissioner Howard Weinberg	_____
Commissioner Luz Urbáez Weinberg	_____
Vice Mayor Michael Stern	_____
Mayor Susan Gottlieb	_____

PASSED AND ADOPTED this 3rd day of September, 2013.

SUSAN GOTTLIEB, MAYOR

ATTEST:

TERESA M. SOROKA, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

WORK AUTHORIZATION NO. 01-0103-172

The City of Aventura has requested Work Authorization No. 01-0103-172 as provided for in the Agreement between the City of Aventura and Craven Thompson and Associates, Inc. and approved by the City Commission on July 3, 2001.

This Work Authorization No 01-0103-172 provides for technical services in accordance with Articles 3, 4, 6, 7 and 8 of the Agreement as further detailed in the scope of services in Exhibit A.

Payment for such services shall be in accordance with Article 5 of the Agreement.

Design Phase

Task 1: Prepare Topographic Survey	\$7,000.00
Task 2: Provide Design	
Task 2A: Civil Site Infrastructure (roadway).....	\$11,000.00
Task 2B: Traffic Signal Infrastructure (signals).....	\$9,700.00
Task 2C: Electrical Infrastructure (lighting).....	\$12,000.00
Task 2	
Total.....	\$32,700.00
Task 3: Provide Project Management and Permitting Support Services.....	\$6,000.00
Task 4: Describe Roadway Parcel.....	\$8,000.00
Total Lump Sum Design Phase	\$53,700.00

Reimbursable Expenses

Printing, Graphics, Communications, Couriers, Express Mail, Etc.	\$750.00
Total Estimated Reimbursable Expenses.....	\$750.00

Total Lump Sum Expenses are.....	\$53,700.00
Total Estimated Reimbursable Expenses are	\$750.00

The time period for this amended work authorization will be:

Surveying Task	45 Calendar Days
Design Task	45 Calendar Days
Permitting Task.....	90 Calendar Days

CITY:

CITY OF AVENTURA, FLORIDA
through its City Manager

BY _____
City Manager

Eric M. Soroka, ICMA-CM

_____ day of _____, 2013

Notice to Proceed ___ Yes ___ No

Project Initiation Date _____

RECOMMENDED through its
Director of Community Services

BY _____
Director of Community Services

Robert M. Sherman

_____ day of _____, 2013

CITY OF AVENTURA
FINANCE DEPARTMENT

MEMORANDUM

TO: City Commission

FROM: Eric M. Soroka, ICMA-CM, City Manager

BY:  Brian K. Raducci, Finance Director

DATE: July 18, 2013

SUBJECT: **Amending Ordinance that Amends the Provisions of the Police Officers' Retirement Plan to Comply with Post Favorable IRS Determination**

1st Reading September 3, 2013 City Commission Meeting Agenda Item 7A
2nd Reading September 18, 2013 City Commission Meeting Agenda Item _____

RECOMMENDATION

It is recommended that the City Commission approve the attached Amending Ordinance that provides technical amendments to the Police Officers Retirement Plan that are necessary to maintain IRS qualification.

BACKGROUND

As you may recall, the City recently adopted an ordinance that amended the Provisions of the Police Officers Retirement Plan to comply with changes to the Internal Revenue Code. According to the law firm of Sugarman and Susskind (attorneys representing the Police Pension Board), it is now necessary for the City to adopt the attached ordinance in order for the Plan to maintain its favorable determination letter. In simple terms, this change is a technical amendment required to maintain IRS qualification. It is not intended to create an actuarial cost to the City and does not alter the Plan's benefits.

The attached Amended Ordinance had been originally prepared by the law firm of Sugarman and Susskind (see their cover letter "Exhibit A"). They have incorporated the mandated changes in the proposed ordinance amendment. The Police Pension Board has recommended the approval of the changes.

In addition, the proposed changes were independently reviewed by both the law firm of Klausner & Kaufman, P.A. and the City Attorney's Office. It is their collective opinion that the ordinance is merely a technical amendment that is necessary to maintain IRS qualification and appears to have no actuarial impact to the City and does not alter the Plan's benefits.

In addition, the Police Pension Plan's actuary has issued a memorandum ("Exhibit B") and has "determined that adoption of the proposed ordinance will have no impact on the assumptions used in determining the funding requirements of the program."

If you should have any questions related to this memorandum, please feel free to contact the City Manager.

BKR/bkr

SUGARMAN & SUSSKIND

PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW

Robert A. Sugarman♦
Howard S. Susskind
Kenneth R. Harrison, Sr.
D. Marcus Braswell, Jr.
Pedro A. Herrera
Noah Scott Warman
Ivelisse Berio LeBeau

♦Board Certified Labor
& Employment Lawyer

100 Miracle Mile
Suite 300
Coral Gables, Florida 33134
(305) 529-2801
Broward (954) 327-2878
Toll Free 1-800-329-2122
Facsimile (305) 447-8115

June 10, 2013

Board of Trustees
City of Aventura Police Officers' Retirement Plan
c/o Lauri Patterson, Administrator
Benefits USA, Inc.
3810 Inverrary Boulevard
Suite 303
Lauderhill, FL 33319

*Re: City of Aventura Police Officers' Retirement Plan
Post Favorable IRS Determination Compliance Ordinance Amendment*

Dear Trustees:

We write to explain the various amendments contained within the IRS compliance ordinance that we recently prepared for you.

The favorable determination letter that you recently received is subject to the adoption of the amendments contained within the ordinance. In other words, the amendments are required in order for the letter to remain valid.

None of the amendments should have any effect on the funding or operations of the plan or on the contributions to the plan or the benefits paid by the plan. This is because the plan has already been operating in accordance with the requirements of the Internal Revenue Code (for instance, the plan does not pay benefits in excess of the Section 415 limits). The Code requires, however, not only that the plan be operated in accordance with its Code, but also that the plan document contain certain Code requirements in writing.

Definition of Compensation

Board of Trustees
City of Aventura Police Officers' Retirement Plan
June 10, 2013
Page 2

For the purpose of improving the readability of the plan, the amendment deletes certain language from the definition of compensation, and moves it to the IRS compliance section.

You may recall that the previous compliance ordinance that we drafted for you added certain language to the definition of compensation, as it relates to Sections 415 and 401(a)(17) of the Code.

Since, as set forth below, the IRS requested certain amendments to the 415 compliance section in your plan, we decided to move the language to that section. We hope that this will simplify your reading of the plan.

100% Vesting Upon Normal Retirement Age

The code requires that a participant's benefit become 100% vested upon the attainment of Normal Retirement Age under the plan.

Though your plan has been operated in accordance with that requirement, the plan document must also provide for that requirement in writing.

Amendment for HEART ACT

The HEART Act provided for certain benefits for survivors of participants who die while in USERRA-qualified military service.

Under HEART, survivor benefits are determined as though the person returned to work and died immediately thereafter. Also, for vesting purposes with respect to survivor benefits, credit is given for the time during which the person was in USERRA-qualified service.

415 Limitations

This is the most voluminous of the amendments contained within the proposed ordinance.

In April 2007, the IRS issued new, final regulations relating to Section 415 of the Code. Section 415 limits the amount of benefits that a participant can receive each year under the plan (the current amount of the limitation is \$205,000). The regulations included certain transitional rules relating to the calculation of benefits for years prior to 2007.

The compliance ordinance that we prepared for you prior to the filing of the determination letter provided for prospective compliance with the regulations. The IRS requested, however, that the retroactive, transitional language be included, as well.

Board of Trustees
City of Aventura Police Officers' Retirement Plan
June 10, 2013
Page 3

The new provision contains all required retroactive and prospective language.

Amendments to the minimum distribution requirements under 401(a)(9) of the Code

Section 401(a)(9) of the code provides for certain rules relating to the time frame and manner in which benefits must be paid under the plan. Recent changes in the law amended some of those requirements.

The compliance ordinance that you previously adopted provided for full compliance with Section 401(a)(9). The guidance that the IRS had published relating to this requirement, however, contained some typographical errors made by the IRS.

The ordinance rectifies the errors contained in the IRS publications.

Amendments to provisions relating to Rollover Distributions

Recent changes in the law amended the definition of Rollover Distribution to exclude all hardship distributions.

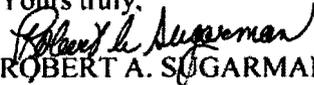
The ordinance amends the definition of Rollover Distribution to reflect the exclusion.

Compliance with the Uniformed Services Employment and Reemployment Rights Act (USERRA)

The IRS examiner who processed your application requested that the plan include a general to state that it will comply with all provisions of USERRA. Generally, USERRA established certain rules relating to service and vesting credit for members who perform uniformed services.

We have therefore added language to reflect the plan's compliance with USERRA.

Should you have any questions, please do not hesitate to contact us at any time.

Yours truly,

ROBERT A. SUGARMAN
Board Certified Labor & Employment Lawyer

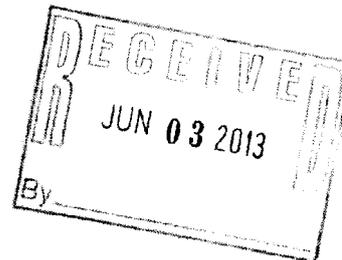
RAS/jd



May 29, 2013

VIA EMAIL AND MAIL

Ms. Lauri Patterson, Plan Administrator
Benefits USA
3810 Inverrary Blvd, Suite 303
Lauderhill, FL 33319



Re: City of Aventura
Police Officers' Retirement Plan

Dear Lauri:

In response to your email dated May 10, 2013, we have reviewed the proposed Ordinance amending the Plan to comply with recent changes to the Internal Revenue Code, and also amending the definition of "Actuarial Equivalent". We have determined that adoption of the proposed ordinance will have no impact on the assumptions used in determining the funding requirements of the program.

Because the changes do not result in a change in the valuation results, it is our opinion that a formal Actuarial Impact Statement is not required in support of its adoption. However, since the Division of Retirement must be aware of the current provisions of all public pension programs, it is recommended that you send a copy of this letter and a copy of the fully executed Ordinance to each of the following offices:

Mr. Keith Brinkman
Bureau of Local Retirement Systems
Division of Retirement
P. O. Box 9000
Tallahassee, FL 32315-9000

Patricia Shoemaker
Municipal Police and Fire
Pension Trust Funds
Division of Retirement
P.O. Box 3010
Tallahassee, FL 32315-3010

If you have any questions, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read 'Patrick T. Donlan', written over a horizontal line.

Patrick T. Donlan, EA, ASA, MAAA
PTD/lke

ORDINANCE NO. 2013-_____

AN ORDINANCE OF THE CITY OF AVENTURA AMENDING PROVISIONS OF THE POLICE OFFICERS' RETIREMENT PLAN; PROVIDING FOR COMPLIANCE WITH THE INTERNAL REVENUE CODE; PROVIDING FOR AN AMENDMENT TO THE DEFINITION OF "ACTUARIAL EQUIVALENT"; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on January 14, 2011 an application was filed with the Internal Revenue Service for a Favorable Determination Letter regarding the qualified status of the Plan under Section 401(a) of the Internal Revenue Code; and

WHEREAS, on February 7, 2013, the Internal Revenue Service issued a Favorable Determination Letter, finding that the Plan complies with all qualification requirements; and

WHEREAS, the Favorable Determination Letter is subject to the timely adoption of the amendments provided herein, and

WHEREAS, the Board's actuary has advised that it would be appropriate to amend the definition of "Actuarial Equivalent"; and

WHEREAS, the trustees of the City of Aventura Police Officers' Retirement Plan have requested and approved such amendments as being in the best interests of the participants and beneficiaries as well as improving the administration of the plan, and

WHEREAS, the City Commission has received, reviewed and considered an actuarial impact statement describing the actual impact of the amendments provided for herein.

NOW THEREFORE, BE IT ORDAINED by the City Commission of the City of Aventura, Florida:

Section 1. The foregoing WHEREAS clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. That Section 36-22, Definitions, of the Retirement Plan, of the Municipal Code of Ordinances be amended as follows:

Sec. 36-22. - Definitions.

...

Actuarial equivalent shall mean that any benefit payable under the terms of this system other than the normal form of benefit shall have the same actuarial present value on the date the payment commences as the normal form of benefit. For purposes of establishing the actuarial present value of any form of benefit, other than a lump sum distribution, all future payments shall be discounted for interest and mortality using ~~the 1983 group annuity mortality table for males, with ages set back one year for females~~ the interest rate and mortality table specified by the Board of Trustees based upon the advice of the Board's Actuary. In the case of a lump sum distribution, the actuarial present value shall be determined on the basis of the same mortality rates as set forth in this section.

...

Earnable compensation shall mean a member's base pay for regular hours worked as an employee, overtime pay, amounts paid for administrative leave, bereavement leave, compensatory time paid in lieu of regular wages, court time, Garcia days for K-9 service, holiday leave taken in lieu of regular pay, job basis leave, jury duty, light duty, paid military leave, personal leave taken in lieu of regular pay, storm leave, storm/hurricane pay, suspension with pay, pay for time off due on the job injury, vacation leave taken in lieu of regular pay, and workers' compensation paid by the City;

and, excluding pay received for off-duty details for third parties, whether or not the payment is made through the City. Earnable compensation shall not include payouts of accumulated leave taken as cash upon separation from service. Retroactive payments shall be credited to the calendar year in which such payments would have been received had they been timely paid. Pursuant to F.S. § 440.21, pension contributions shall not be deducted from a member's workers' compensation award. ~~For the purpose of applying the limitations set forth in Sections 401(a)(17) and 415 of the Internal Revenue Code, earnable compensation shall include any elective deferral (as defined in Code Section 402(g)(3) of the Internal Revenue Code), and any amount which is contributed or deferred by the employer at the election of the Member and which is not includible in the gross income of the Member by reason of Section 125 or 457 of the Internal Revenue Code. For limitation years beginning on and after January 1, 2001, for the purposes of applying the limitations described in Section 36-31 hereof, compensation paid or made available during such limitation years shall include elective amounts that are not includible in the gross income of the Member by reason of Section 132(f)(4) of the Internal Revenue Code.~~

...

Section 3. That Section 36-26(a), Service retirement benefit, of the

Municipal Code of Ordinances be amended as follows:

Sec. 36-26. - Service retirement benefit.

(a) A member may retire on the first day of the month coincident with or next following the earlier of: the date upon which the member completes 25 years of credited service, regardless of age; or the date upon which the member attains age 55 with ten years of credited service. There shall be no mandatory retirement age. Any provision of this plan to the contrary notwithstanding, a Member's accrued benefit shall become 100% vested upon the attainment of the Normal Retirement Date.

...

Section 4. That Section 36-30, Death benefits, of the Municipal Code of

Ordinances be amended by adding a subsection (d) as follows:

Sec. 36-30. - Death benefits.

(a) In the event of a member's death in the line of duty, the benefit, which shall be payable commencing on the first day of the month coincident with or next following the death of the member, shall be the greater of 30 percent of the member's compensation at the time of death or the member's accrued benefit.

(b) In the event of the death of a member from non-duty related causes prior to the time of eligibility for early or normal retirement, the member's designated beneficiary shall be paid from the fund an amount equal to the member's accumulated contributions. In the event of the death of a member who has completed ten or more years of credited service, the member's designated beneficiaries shall be entitled to the benefits otherwise payable at the early or normal retirement date.

(c) In the event of the death of a retiree, death benefits, if any, shall be paid in accordance with the optional form of benefit chosen at the time of retirement.

(d) *Death while performing USERRA-qualified active military service.* In the case of a Member who dies on or after January 1, 2007 while performing "Qualified Military Service" under Title 38, United States Code, Chapter 43, Uniformed Services Employment and Reemployment Rights Act ("USERRA") within the meaning of Section 414(u) of the Internal Revenue Code, any "additional benefits" (as defined by Section 401(a)(37) of the Internal Revenue Code) provided under the Plan that are contingent upon a Member's termination of employment due to death shall be determined as though the Member had resumed employment immediately prior to his death. With respect to any such "additional benefits," for vesting purposes only, credit shall be given for the period of the Member's absence from covered employment during "Qualified Military Service".

Section 5 That Section 36-31(a), Compliance with the Internal Revenue Code, of the Municipal Code of Ordinances be repealed/deleted in its entirety and replaced with the following language:

Sec. 36-31. - Compliance with the Internal Revenue Code.

It is the intention of the City and of the Board that the plan remain at all times a qualified plan, as that term is defined under the Internal Revenue Code.

(a) Maximum amount of retirement income.

- (1) The limitations of this Subsection (a) shall apply in limitation years beginning on or after July 1, 2007, except as otherwise provided herein, and are intended to comply with the requirements of the Pension Protection Act of 2006 and shall be construed in accordance with said Act and guidance issued thereunder. The provisions of this Subsection (a) shall supersede any provision of the Plan to the extent such provision is inconsistent with this Subsection.

The Annual Pension as defined in Paragraph (2) below otherwise payable to a Member at any time shall not exceed the Dollar Limitation for the Member multiplied by a fraction whose value cannot exceed one, the numerator of which is the Member's number of years (or part thereof, but not less than one year) of service with the City and the denominator of which is 10. For this purpose, no more than one year of service may be credited for any Plan Year. If the benefit the Member would otherwise accrue in a limitation year would produce an Annual Pension in excess of the Dollar Limitation, the benefit shall be limited (or the rate of accrual reduced) to a benefit that does not exceed the Dollar Limitation.

- (2) "Annual Pension" means the sum of all annual benefits, payable in the form of a straight life annuity. Benefits payable in any other form shall be adjusted to the larger of:

(A) For limitation years beginning on or after July 1, 2007

- (I) the straight life annuity (if any) payable to the Member under the Plan

commencing at the same Annuity Starting Date as the Member's form of benefit, or

(II) the actuarially equivalent straight life annuity commencing at the same Annuity Starting Date, computed using a 5.00% interest rate and the mortality basis prescribed in Code Section 415(b)(2)(E)(v).

(B) For limitation years beginning before July 1, 2007

(I) the actuarially equivalent straight life annuity commencing at the same Annuity Starting Date, computed using the interest rate and mortality basis specified by the Board of Trustees for determining Actuarial Equivalence under the Plan for the particular form of payment, or

(II) the actuarially equivalent straight life annuity commencing at the same Annuity Starting Date, computed using a 5.00% interest rate and the mortality basis prescribed in Code Section 415(b)(2)(E)(v).

No actuarial adjustment to the benefit shall be made for benefits that are not directly related to retirement benefits (such as a qualified disability benefit, preretirement incidental death benefits, and postretirement medical benefits); or the inclusion in the form of benefit of an automatic benefit increase feature, provided the form of benefit is not subject to §417(e)(3) of the Internal Revenue Code and would otherwise satisfy the limitations of this Subsection (a), and the amount payable under the form of benefit in any Limitation Year shall not exceed the limits of this Subsection (a) applicable at the annuity starting date, as increased in subsequent years pursuant to § 415(d) of the Code. For this purpose, an automatic

benefit increase feature is included in a form of benefit if the form of benefit provides for automatic, periodic increases to the benefits paid in that form.

(3) “Dollar Limitation” means, effective for the first limitation year beginning after January 1, 2001, \$160,000, automatically adjusted under Code Section 415(d), effective January 1 of each year, as published in the Internal Revenue Bulletin, and payable in the form of a straight life annuity. The new limitation shall apply to limitation years ending with or within the calendar year of the date of the adjustment, but a Member’s benefits shall not reflect the adjusted limit prior to January 1 of that calendar year. The Dollar Limitation shall be further adjusted based on the age of the Member when the benefit begins as follows:

(A) For Annuity Starting Dates in limitation years beginning on or after July 1, 2007

(l) If the Annuity Starting Date for the Member’s benefit is after age 65

(i) If the Plan does not have an immediately commencing straight life annuity payable at both age 65 and the age of benefit commencement

The Dollar Limitation at the Member’s Annuity Starting Date is the annual amount of a benefit payable in the form of a straight life annuity commencing at the Member’s Annuity Starting Date that is the actuarial equivalent of the Dollar Limitation with actuarial equivalence computed using a 5.00% interest rate assumption and the mortality basis prescribed in Code Section 415(b)(2)(E)(v) for that Annuity Starting Date (and expressing the Member’s age based on completed

calendar months as of the Annuity Starting Date).

- (ii) If the Plan does have an immediately commencing straight life annuity payable at both age 65 and the age of benefit commencement

The Dollar Limitation at the Member's Annuity Starting Date is the lesser of (aa) the Dollar Limitation multiplied by the ratio of the annual amount of the adjusted immediately commencing straight life annuity under the Plan at the Member's Annuity Starting Date to the annual amount of the adjusted immediately commencing straight life annuity under the Plan at age 65, both determined without applying the limitations of this Subsection (a), and (bb) the limitation determined under Subparagraph (3)(A)(I)(i) of this Subsection(a). For this purpose, the adjusted immediately commencing straight life annuity under the Plan at the Member's Annuity Starting Date is the annual amount of such annuity payable to the Member, computed disregarding the Member's accruals after age 65 but including actuarial adjustments even if those actuarial adjustments are used to offset accruals; and the adjusted immediately commencing straight life annuity under the Plan at age 65 is the annual amount of such annuity that would be payable under the Plan to a hypothetical

Member who is age 65 and has the same Accrued Benefit as the Member.

(II) Except with respect to a Member who is a "Qualified Member" as defined in Section 415(b)(2)(H) of the Code, for benefits (except survivor and disability benefits as defined in Section 415(b)(2)(I) of the Code), if the Annuity Starting Date for the Member's benefit is before age 62

(i) If the Plan does not have an immediately commencing straight life annuity payable at both age 62 and the age of benefit commencement

The Dollar Limitation at the Member's Annuity Starting Date is the annual amount of a benefit payable in the form of a straight life annuity commencing at the Member's Annuity Starting Date that is the actuarial equivalent of the Dollar Limitation with actuarial equivalence computed using a 5.00% interest rate assumption and the mortality basis prescribed in Code Section 415(b)(2)(E)(v) for that Annuity Starting Date (and expressing the Member's age based on completed calendar months as of the Annuity Starting Date).

(ii) If the Plan does have an immediately commencing straight life annuity payable at both age 62 and the age of benefit commencement

The Dollar Limitation at the Member's Annuity Starting Date is the lesser of (aa) the Dollar Limitation multiplied by the ratio of the annual amount of the adjusted immediately commencing straight life annuity under the Plan at the Member's Annuity Starting Date to the annual amount of the adjusted immediately commencing straight life annuity under the Plan at age 62, both determined without applying the limitations of this Subsection (a), and (bb) the limitation determined under Subparagraph (3)(A)(II)(i) of this Subsection (a).

(B) For Annuity Starting Dates in limitation years beginning before July 1, 2007

<u>Age as of Annuity Starting Date:</u>	<u>Adjustment of Dollar Limitation:</u>
<u>Over 65</u>	<p>The smaller of: (a) <u>the actuarial equivalent of the limitation for age 65, computed using the interest rate and mortality basis specified by the Board of Trustees for determining actuarial equivalence under the Plan, or</u></p> <p>(b) <u>the actuarial equivalent of the limitation for age 65, computed using a 5.00% interest rate and the mortality basis prescribed in Code Section 415(b)(2)(E)(v).</u></p> <p><u>Any increase in the Dollar Limitation determined in accordance with this paragraph shall not reflect a mortality decrement between age 65 and the age at which benefits commence if benefits are not forfeited upon the death of the Member. If any benefits are forfeited upon death, the full mortality decrement is taken into account.</u></p>
<u>62 to 65</u>	<u>No adjustment.</u>
<u>Less than 62</u>	<p>The smaller of: (a) <u>the actuarial equivalent of the limitation for age 62, computed using the interest rate and mortality basis specified by the Board of Trustees for determining actuarial equivalence under the Plan, or</u></p> <p>(b) <u>the actuarial equivalent of the limitation for age 62, computed using a 5.00% interest rate and the mortality basis prescribed in Code Section 415(b)(2)(E)(v).</u></p> <p><u>This adjustment shall not apply to any "Qualified Member" as defined in Section 415(b)(2)(H), nor to survivor and disability benefits as defined in Section 415(b)(2)(I) of the Code.</u></p>

- (4) With respect to clause (3)(A)(I)(i), clause (3)(A)(II)(i) and Paragraph (3)(B) above, no adjustment shall be made to the Dollar Limitation to reflect the probability of a Member's death between the Annuity Starting Date and age 62, or between age 65 and the Annuity Starting Date, as applicable, if benefits are not forfeited upon the death of the Member prior to the

Annuity Starting Date. To the extent benefits are forfeited upon death before the Annuity Starting Date, such an adjustment shall be made. For this purpose, no forfeiture shall be treated as occurring upon the Member's death if the Plan does not charge Members for providing a qualified preretirement survivor annuity, as defined in Code Section 417(c), upon the Member's death.

- (5) The term "limitation year" is the 12 month period which is used for application of the limitations under Code Section 415 and shall be the calendar year.
- (6) The limitations set forth in this Subsection (a) shall not apply if the Annual Pension does not exceed \$10,000 provided the Member has never participated in a Defined Contribution Plan maintained by the City.
- (7) Cost-of-living adjustments in the Dollar Limitation for benefits shall be limited to scheduled annual increases determined by the Secretary of the Treasury under Section Subsection 415(d) of the Code.
- (8) In the case of a Member who has fewer than 10 years of participation in the Plan, the Dollar Limitation set forth in Paragraph (3) of this Subsection (a) shall be multiplied by a fraction - (i) the numerator of which is the number of years (or part thereof) of participation in the Plan, and (ii) the denominator of which is 10.
- (9) Any portion of a Member's benefit that is attributable to mandatory Member contributions (unless picked-up by the City) or rollover contributions, shall be taken into account in the manner prescribed in the regulations under Section 415 of the Code.
- (10) Should any Member participate in more than one defined benefit plan maintained by the City, in any case in which the Member's benefits under all such defined benefit plans (determined as of the same age) would exceed the Dollar Limitation applicable at that age, the accrual of the Member's benefit under this

Plan shall be reduced so that the Member's combined benefits will equal the Dollar Limitation.

- (11) For a Member who has or will have distributions commencing at more than one annuity starting date, the Annual Benefit shall be determined as of each such annuity starting date (and shall satisfy the limitations of this Section as of each such date), actuarially adjusting for past and future distributions of benefits commencing at the other annuity starting dates. For this purpose, the determination of whether a new starting date has occurred shall be made without regard to § 1.401(a)-20, Q&A 10(d), and with regard to § 1.415(b)1(b)(1)(iii)(B) and (C) of the Income Tax Regulations.
- (12) The determination of the Annual Pension under Paragraph (A)(1) of this Subsection (a) shall take into account (in the manner prescribed by the regulations under Section 415 of the Code) social security supplements described in § 411(a)(9) of the Internal Revenue Code and benefits transferred from another defined benefit plan, other than transfers of distributable benefits pursuant § 1.411(d)-4, Q&A-3(c) of the Income Tax Regulations.
- (13) The above limitations are intended to comply with the provisions of Section 415 of the Code, as amended, so that the maximum benefits provided by plans of the City shall be exactly equal to the maximum amounts allowed under Section 415 of the Code and regulations thereunder. If there is any discrepancy between the provisions of this Subsection (a) and the provisions of Section 415 of the Code and regulations thereunder, such discrepancy shall be resolved in such a way as to give full effect to the provisions of Section 415 of the Code. The value of any benefits forfeited as a result of the application of this Subsection (a) shall be used to decrease future employer contributions.
- (14) For the purpose of applying the limitations set forth in Sections 401(a)(17) and 415 of the Internal Revenue Code, Compensation shall include any elective

deferral (as defined in Code Section 402(g)(3) of the Internal Revenue Code), and any amount which is contributed or deferred by the employer at the election of the Member and which is not includible in the gross income of the Member by reason of Section 125 or 457 of the Internal Revenue Code. For limitation years beginning on and after January 1, 2001, for the purposes of applying the limitations described in this Subsection (a), compensation paid or made available during such limitation years shall include elective amounts that are not includible in the gross income of the Member by reason of Section 132(f)(4) of the Internal Revenue Code. For limitation years on or after July 1, 2007, compensation shall include payments that otherwise qualify as compensation and that are made by the later of: (a) 2 and ½ (two and one-half) months after severance from employment with the employer, and (b) the end of the limitation year that includes the date of severance.

...

Section 6. That Section 36-31(c), Compliance with the Internal Revenue Code, paragraphs 3(A) and 6(A), of the Municipal Code of Ordinances be amended as follows:

(c) *Required Minimum Distributions.*

...

(3) *Requirements For Annuity Distributions That Commence During participant's Lifetime.*

(A) *Joint life annuities where the beneficiary is not the participant's spouse.* If the participant's interest is being distributed in the form of a joint and survivor annuity for the joint lives of the participant and a nonspousal beneficiary, annuity payments to be made on or after the participant's required beginning date to the designated beneficiary after the participant's death

must not at any time exceed the applicable percentage of the annuity payment for such period that would have been payable to the participant using the table set forth in Q&A-2 of section 1.401(a)(9)-6 of the Treasury regulations. If the form of distribution combines a joint and survivor annuity for the joint lives of the participant and a nonspousal beneficiary and a period certain annuity, the requirement in the preceding sentence will apply to annuity payments to be made to the designated beneficiary after the expiration of the period certain.

...

(6) *Definitions.*

(A) *Designated beneficiary.* The individual who is designated as the beneficiary under the Plan and is the designated beneficiary under Section 401(a)(9) of the Code and Section ~~1.401(a)(9)-1, Q&A-4,~~ 1.401(a)(9)-4 of the Treasury regulations

...

Section 7. That Section 36-31(d), Compliance with the Internal Revenue Code, of the Municipal Code of Ordinances be amended as follows:

(d) *Rollover distributions.*

(1) Notwithstanding any provision of the Plan to the contrary that would otherwise limit a distributee's election under this Section, a distributee may elect, at the time and in the manner prescribed by the Administrator, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

(2) *Definitions*

The following definitions apply to this Section:

(A) *Eligible rollover distribution:* An eligible rollover distribution is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include:

(i) any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary, or for a specified period of 10 years or more;

(ii) any distribution to the extent such distribution is required under Section 401(a)(9) of the Code;

(iii) ~~the portion of any distribution that is a hardship distribution described in Section 401(k)(2)(B)(i)(IV) of the Code which is made upon hardship of the Member;~~ and

(iv) the portion of any distribution that is not includible in gross income (determined without regard to the exclusion for net unrealized appreciation with respect to employer securities), provided that a portion of a distribution shall not fail to be an eligible rollover distribution merely because the portion consists of after-tax Employee contributions which are not includible in gross income. However, such portion may be transferred only to an individual retirement account or annuity described in Section 408(a) or (b) of the Code, or to a qualified defined contribution plan described in Section 401(a) or 403(a) of the Code that agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible.

Section 8. That Section 36-31, Compliance with the Internal Revenue Code, of the Municipal Code of Ordinances be amended to add a subsection (h) as follows:

(h) *Uniformed Services Employment and Reemployment Rights Act.* The Plan shall at all times be administered in accordance with the provisions of the Uniformed Services Employment and Reemployment Rights Act, which Act is hereby incorporated by reference.

Section 9. All sections or parts of sections of the Code of Municipal Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 10. Should any section or provision of this Ordinance, or any paragraph, sentence or word, be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the invalidity of the remainder hereof, as a whole or a part hereof, other than the part declared to be invalid.

Section 11. It is the intention of the City Commission of the City of Aventura that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Aventura and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "Chapter", "Section", "Article", or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed.

Section 12. This Ordinance shall take effect upon adoption on second reading.

The foregoing Ordinance was offered by Commissioner _____, who moved its adoption on first reading. The motion was seconded by Commissioner _____ and, upon being put to a vote, the vote was as follows:

Commissioner Enbar Cohen	_____
Commissioner Teri Holzberg	_____
Commissioner Billy Joel	_____
Commissioner Howard Weinberg	_____
Commissioner Luz Urbaez Weinberg	_____
Vice Mayor Michael Stern	_____
Mayor Susan Gottlieb	_____

The foregoing Ordinance was offered by Commissioner _____, who moved its adoption on second reading. This motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Commissioner Enbar Cohen	_____
Commissioner Teri Holzberg	_____
Commissioner Billy Joel	_____
Commissioner Howard Weinberg	_____
Commissioner Luz Urbaez Weinberg	_____
Vice Mayor Michael Stern	_____
Mayor Susan Gottlieb	_____

PASSED AND ADOPTED on first reading this 3rd day of September, 2013.

PASSED AND ADOPTED on second reading this 18th day of September, 2013.

SUSAN GOTTLIEB, MAYOR

TERESA M. SOROKA, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

CITY OF AVENTURA
OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: City Commission

FROM: Eric M. Soroka, ICMA-CM, City Manager 

DATE: July 29, 2013

SUBJECT: **Ordinance Amending the Quorum Requirements for the Arts & Cultural Center Advisory Board**

1st Reading September 3, 2013 City Commission Meeting Agenda Item 7B
2nd Reading September 18, 2013 City Commission Meeting Agenda Item _____

As requested at the July Workshop Meeting, please find an Ordinance amending the quorum requirements from five to four for the Arts and Cultural Center Advisory Board.

If you have any questions, please feel free to contact me.

EMS/act

Attachment

CCO1809-13

ORDINANCE NO. 2013-_____

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, AMENDING DIVISION 5 "ARTS AND CULTURAL CENTER ADVISORY BOARD" OF ARTICLE III "ADVISORY BOARDS" OF CHAPTER 2 "ADMINISTRATION" OF THE CITY CODE, BY AMENDING SECTION 2-194 "RULES OF PROCEDURE; QUORUM"; BY REVISING THE NUMBER OF MEMBERS REQUIRED FOR A QUORUM AND FOR OFFICIAL ACTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF AVENTURA, AS FOLLOWS:

Section 1. That Section 2-194" Rules of Procedure ;Quorum" of Division 5 " Arts and Cultural Center Advisory Board" of Article III " Advisory Boards" of Chapter 2 " Administration" of the City Code of the City of Aventura, Florida, , is hereby amended to read , as follows": ¹

Sec. 2-194. Rules of procedure; Quorum

A. The Board shall adopt rules of procedure not inconsistent with the ordinances of the City and the laws of the State of Florida and shall utilize Robert's Rules of Order recently revised 1990 Edition for the rules of procedure for the conduct of meetings of the Board. The Board may create additional rules for the conduct of its internal proceedings.

¹ Underlined text has been added; ~~struck through~~ text has been deleted from existing language.

B. During the first meeting of the Board and annually thereafter, the members shall elect one of their members to act as Chairperson and may elect a Vice-Chairperson, both of whom shall serve for one-year and may be re-elected.

C. ~~Five~~ Four (4) members shall constitute a quorum for the transaction of business of the Board. Official action shall be taken by the Board only upon the concurring vote of a majority of the members present at an official meeting of the Board; ~~except that at least five (5) affirmative votes shall be required for official action.~~

Section 2. Conflicts. All Ordinances or parts of Ordinances and all Resolutions or parts of Resolutions in conflict herewith are repealed to the extent of such conflict.

Section 3. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Effective Date. This Ordinance shall be effective immediately upon adoption on second reading.

The foregoing Ordinance was offered by Commissioner _____, who moved its adoption on first reading. The motion was seconded by Commissioner _____ and, upon being put to a vote, the vote was as follows:

Commissioner Enbar Cohen	_____
Commissioner Teri Holzberg	_____
Commissioner Billy Joel	_____
Commissioner Howard Weinberg	_____
Commissioner Luz Urbaez Weinberg	_____
Vice Mayor Michael Stern	_____
Mayor Susan Gottlieb	_____

The foregoing Ordinance was offered by Commissioner _____, who moved its adoption on second reading. This motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Commissioner Enbar Cohen	_____
Commissioner Teri Holzberg	_____
Commissioner Billy Joel	_____
Commissioner Howard Weinberg	_____
Commissioner Luz Urbaez Weinberg	_____
Vice Mayor Michael Stern	_____
Mayor Susan Gottlieb	_____

PASSED AND ADOPTED on first reading this 3rd day of September, 2013.

PASSED AND ADOPTED on second reading this 18th day of September, 2013.

SUSAN GOTTLIEB, MAYOR

TERESA M. SOROKA, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

CITY OF AVENTURA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

TO: City Commission

FROM: Eric M. Soroka, ICMA-CM
City Manager 

BY: Joanne Carr, AICP 
Community Development Director 

DATE: June 24, 2013

SUBJECT: Application to Amend Section 31-145 (b) of the Land Development Regulations to add Town Center Neighborhood (TC3) District (01-LDR-13)

July 9, 2013	Local Planning Agency Agenda Item <u>4</u>
July 9, 2013	City Commission Meeting Agenda Item <u>7</u>
September 3, 2013	City Commission Meeting Agenda Item <u>8</u>

RECOMMENDATION

It is recommended that the City Commission approve the request for an amendment to Section 31-145, "Town Center Zoning Districts" of the Land Development Regulations to add regulations for a new mixed-use district, the Town Center Neighborhood (TC3) District, to the section.

THE REQUEST

The owner of property on NE 207 Street at NE 30 Avenue is proposing a mixed-use development proposal on its parcel. The west half of the property is designated as Business & Office future land use category and is zoned B2, Community Business District on the City Zoning Map. The east half of the property is designated as Medium-High Density Residential and is zoned RMF3A, Multifamily Medium Density Residential District. The development proposal contains structures with a mix of commercial and residential uses. Those mixed-use structures are not permitted in either the B2 or RMF3A zoning districts. The request is to add a new mixed-use district to the City Code to facilitate the current and any future similar development proposals. (See Exhibit #1 for Letter of Intent)

BACKGROUND

The City's Land Development Regulations currently contain a Town Center (TC1) District which was included in the original 1999 Code to guide mixed-use development of a main town center in the City. This district allows residential and non-residential mixed-use development that generally complies with the RMF3 and B1 zoning districts and also allows a lifestyle center that includes some B2 zoning district uses.

The Land Development Regulations also currently contain a Town Center Marine (TC2) District, again included in the original 1999 Code, to guide mixed-use development in what was then the marine industry area on and around NE 188 Street. This district allows residential and non-residential mixed-use development that generally complies with the RMF3 and B1 zoning district, but also recognizes the marine industry uses as permitted uses.

DESCRIPTION OF THE PROPOSED AMENDMENT

The proposed text of the Town Center Neighborhood (TC3) District follows in underlined text.

Sec. 31-145. - Town Center Zoning Districts.

...

(c) Town Center Neighborhood (TC3) District. The following regulations shall apply to all TC3 Districts:

(1) Purpose. This district is intended to provide suitable sites for the development of structures and sites combining residential and commercial uses in a well-planned and compatible manner in existing neighborhoods on property that provides lot frontage on at least three public streets and does not front upon or access Biscayne Boulevard. Development in this district shall provide for indoor and/or outdoor commercial recreation uses and shall provide a minimum of 20,000 square feet per gross acre of assisted living facility use as part of its commercial uses. Residential densities shall not exceed 20 dwelling units per gross acre and non-residential intensity shall not exceed a floor area ratio of 2.0.

(2) Uses Permitted. No building or structure, or part thereof, shall be erected, altered or used, or land used in whole or part for other than a combination of all of the following specific uses, provided the requirements set forth elsewhere in this section are satisfied:

a. Mixed-use structures. For the purposes of this subsection, mixed-use buildings or structures are those combining residential dwelling units conforming generally with the intent of the RMF3, Multifamily Medium Density Residential District, with office and/or retail

commercial uses allowed in the B1, Neighborhood Business District, where the ratio of total square feet dedicated to residential and non-residential uses is between 3.5:1 and 1:3.5.

b. Assisted living facilities with a minimum of 20,000 square feet per gross acre and with a minimum gross floor area of 600 square feet per unit.

c. Indoor and outdoor commercial recreational uses with a maximum of 2,500 square feet of total floor area per establishment.

d. Hotels, with a minimum of 180 rooms and with a minimum gross floor area of a rental sleeping room of 400 square feet.

(3) Accessory uses permitted. Permitted incidental and accessory uses shall include:

a. Those uses allowed as accessory uses in the RMF3 Multi-Family Medium Density Residential District, except for uses which, by their nature, would inhibit the establishment of permitted commercial activities or restrict the acceptable mixing of residential and non-residential uses.

b. Outdoor dining as an accessory use to a permitted restaurant or retail use.

(4) Conditional uses permitted. The following uses may be established if first approved as a conditional use:

a. Those uses permitted in the B1 District with increased floor area.

b. Uses that exceed the height limitations of Section 31-145(c)(6), including parking structures.

c. Indoor and outdoor commercial recreation uses with more than 2,500 square feet per establishment.

d. Aboveground storage tanks. Aboveground storage tanks (AST) only as an accessory use and only for the purpose of storing fuel for emergency generators. ASTs must conform to the following requirements:

1. Be of 550 gallons capacity or less.

2. Be installed and operated under a valid permit from the Miami-Dade County Department of Environmental Resources Management.

3. Be fully screened by a masonry or concrete wall with a self-closing and locking metal door or gate. Such wall shall be landscaped in accordance with the City's Landscape Code.

4. Be located in a manner consistent with the site development standards of the TC1 zoning district.

5. Installation of any AST shall require a building permit from the City. Application for building permit shall be accompanied by a site plan indicating the location of the AST relative to property lines, the primary structure served by the AST, any other structures within 300 feet as well as a landscape plan prepared by a Florida licensed architect or landscape architect and other supporting documentation as deemed necessary by the City Manager or designee.

e. Floor areas that are less than the minimum floor areas required by the provisions of Section 31-145(c)(6)(g) hereof.

f. Allocations of interior spaces for mixed-use structures other than as set forth in Section 31-145(c)(8) hereof.

g. Structured parking that is not incorporated into the building envelope of a primary use structure, as required by Section 31-145(c)(9) hereof.

h. Structured parking that can be seen from a primary use building and that does not have the area of the top level landscaped and/or decoratively paved in order to provide amenity areas for building occupants, as required by Section 31-238 of this Code.

i. Driveways with a separation of less than 150 feet of landscaped frontage as long as it is determined, as part of site plan review that:

1. Landscaping for the total project site exceeds the minimum requirements of this Code, and;

2. Traffic studies indicate that a lesser distance between driveways does not constitute a safety hazard to either vehicular or pedestrian traffic.

j. Off-street parking that does not meet the requirements of Section 31-171(b) or (d) of this Code.

k. All uses permitted in the CF District.

l. For buildings that attain LEED® Gold or Platinum certification as provided in Article VI of Chapter 14 of the City Code, increased lot coverage, provided that a

green roof and/or green rooftop amenities are provided and maintained for the common benefit of building occupants; and; that increased Florida-Friendly tree canopy and Florida-Friendly plantings designed to calm the heat island effect are located on site, all in an amount equal to the requested increased lot coverage.

m. For buildings that attain LEED® Gold or Platinum certification as provided in Article VI of Chapter 14 of the City Code, increased floor area ratio, not to exceed a floor area ratio of 2.0.

(5) Uses prohibited. Except as specifically permitted in this subsection (b), the following uses are expressly prohibited as either principal or accessory uses:

a. Any use not specifically permitted.

b. Adult entertainment establishments.

c. Sale of goods to other than the ultimate consumer.

d. Sales, purchase, display or storage of used merchandise other than antiques.

e. Sale of fruit or merchandise from trucks, wagons or other vehicles parked on or along public or private streets or from open stands or vacant lots. Such business on private or public property shall be conducted only from within approved permanent substantial buildings.

f. Any drive-through service facility.

(6) Site development standards.

a. Minimum lot size: 5 gross acres.

b. Minimum lot width: 100 feet.

c. Maximum lot coverage: 45 percent of total lot area, provided that if eighty (80%) percent or more of the required parking spaces is provided in a parking structure, lot coverage may be increased to a maximum of 55 percent of the total lot area.

d. Maximum floor density:

1. Residential component: 20 dwelling units per gross acre.

2. Nonresidential component: 2.0 floor area ratio.

e. Maximum height: Four stories or 50 feet, including parking structures.

f. Setbacks:

1. Front: 25 feet.

2. Side: There is no side yard setback required for a lot that is not adjacent to a street or alley, unless such setback is necessary to provide light and air to residential units. In such cases a side yard setback of 20 feet in depth is required.

3. Street Side: 20 feet.

4. Rear: There is no rear yard setback required for a plot not adjacent to a street or alley, or where such setback is necessary to provide light and air to residential units. In such cases a rear yard setback of 20 feet in depth is required.

5. Rear Street: 20 feet.

6. Between buildings: No minimum building separation distance is normally required, except where necessary to provide light and air to residential units. In such cases, buildings may be no closer than 25 feet.

g. Minimum floor areas: The minimum floor area not including garage or unairconditioned areas shall be as follows, except that conditional use approval may be granted to authorize a reduction in the following minimum floor areas in accordance with Section 31-145(c)(4)(d):

Multiple-family dwelling unit:

Efficiency unit: 800 square feet.

One bedroom unit: 900 square feet.

Two bedroom unit: 1050 square feet.

For each additional bedroom in excess of two add 150 square feet.

Efficiency units shall not exceed 40 percent of the total number of residential units within a building.

h. Required open space: A minimum of 35 percent of the total lot area of the site shall be provided as common open space available for use by all residents or consumers; of this common open space a minimum of one-half shall be unencumbered with any structure (except for play equipment for children and associated mounting, fencing and furniture) and shall be landscaped with grass and vegetation approved in a landscape plan. The remaining one-half may be used for non-commercial recreational facilities, amenities, pedestrian walks, entrance landscaping and features (not including gatehouses and associated vehicle waiting areas), or maintenance facilities.

(7) Accessibility for Mixed-Use Structures. All residential units shall be accessible to the outside via an entry lobby that does not require residents to pass through a leasable commercial space.

(8) Allocation of interior space for Mixed-Use Structures. Retail stores, personal services, banks and financial services, indoor commercial recreation uses, restaurants and coffee houses, schools, nursery schools and child care centers are allowed only on the ground floor of mixed-use buildings. Offices and medical offices are allowed only on the ground and second floors. Residential uses are allowed only on the second or higher floors. In accordance with Section 31-145(c)(4)(e), conditional use approval may be

granted to authorize a waiver from such requirements for allocations of interior space in mixed-use structures.

(9) Performance Standards. Any structured parking serving the primary use on the site shall be incorporated into the building envelope and shall be compatibly designed. Such parking structure shall comply with all minimum setback and buffer yard requirements. Parking structure ceiling heights shall be seven feet six inches except where greater heights may be required by other regulatory agencies. Pipes, ducts and mechanical equipment installed below the ceiling shall not be lower than seven feet zero inches above finished floor. In accordance with Section 31-145(c)(4)(f), conditional use approval may be granted to authorize a waiver from the requirements that structured parking be incorporated into the building envelope of a primary use structure and that such structured parking conform to Section 31-238.

(10) Design Standards. All development in the TC3 Zoning District shall be compatible with existing adjacent development. Specifically, when greater heights are immediately adjacent to existing development, such height shall be graduated by steps so that the part of the structure within fifty (50) feet of the property boundary is the same or lower height as existing adjacent residential development. Development in the TC3 district shall substantially comply with the applicable "Town Center Design Guidelines", as provided by the City Manager and adopted through Ordinance No. 2006-02 on February 7, 2006.

ANALYSIS

The proposed Town Center Neighborhood (TC3) District, detailed above, has been drafted using the same format as the TC1 and TC2 districts but is distinct from the TC1 and TC2 zones in that it is intended to guide mixed-use development in existing neighborhoods in the City. It proposes a specific mix of residential and non-residential development that generally complies with the RMF3 and B1 zoning districts, similar to the TC1 and TC2 districts, but without the lifestyle center use permitted in the TC1 district and without the more expansive marine industry uses in the TC2 district.

The TC3 district adds assisted living facility, indoor and outdoor commercial recreation and hotel to the required mix of non-residential uses, reduces maximum residential density from 25 dwelling units per acre as permitted in the TC1 and TC2 district to 20 dwelling units per acre and contains the same conditional and prohibited uses as the TC1 district. The site development standards are similar to the TC1 district, with the exception of the minimum lot area which is increased from 16,000 square feet to 5 gross acres to be consistent with the corresponding lot size requirement in the Town Center future land use category in the City's Comprehensive Plan and with the exception for increased lot coverage from 45 percent to 55 percent if more than 80 percent of required parking spaces is provided in a parking structure.

There is one amendment proposed to the zoning category subsequent to the City staff presentation at the May, 2013 workshop meeting. As presented, the zone requires a mix of residential and non-residential uses at a ratio between 3:1 and 1:3. The applicant has requested that this ratio be changed to 3.5:1 to 1:3.5, due to the decrease in maximum number of residential dwelling units. The existing TC1 and TC2 zoning categories allow a maximum of 25 dwelling units per acre. This proposed TC3 district allows a maximum of 20 dwelling units per acre. By reducing the maximum number of dwelling units per acre, and thus square footage of the residential portion of the mix, the ratio causes a corresponding decrease in the non-residential portion of the development. The ratio between 3.5:1 to 1:3.5 will provide an equilibrium between the desired reduction in residential units and development of non-residential uses.

Any proposal to develop in accordance with the TC3 district will require an underlying future land use designation of Town Center as described in the City's Comprehensive Plan. The Town Center future land use category encourages hubs for future urban development intended to serve the City's existing and future residents and businesses with design-unified development providing direct accessibility by mass transit service and high quality urban design. It provides for a design that encourages convenient, internal pedestrian circulation and is intended to create identifiable centers of activity with a distinctive sense of place. The proposed Town Center Neighborhood use regulations are compatible with this future land use category language.

Staff provides the following analysis of the request using the standards for reviewing proposed amendments to the text of the Land Development Regulations contained in Section 31-77 of the City Code.

1. *The proposed amendment is legally required.*

The proposed amendment is legally required to implement the requested revision to the Code.

2. *The proposed amendment is consistent with the goals and objectives of the Comprehensive Plan.*

The proposed amendment is consistent with the goals and objectives of the Comprehensive Plan. The intent of the Town Center land use designation is described in the Future Land Use Element of the City's Comprehensive Plan. This category encourages hubs for future urban development intended to serve the City's existing and future residents and businesses with design-unified development providing direct accessibility by mass transit service and high quality urban design. It provides for a design that encourages convenient, internal pedestrian circulation and to create identifiable centers of activity with a distinctive sense of place. The proposed Town Center Neighborhood district regulations are compatible with this future land use language.

3. *The proposed amendment is consistent with the authority and purpose of the LDRs.*

The proposed amendment is consistent with the authority and purpose of the Land Development Regulations. "The purpose of the LDRs is to implement further the Comprehensive Plan of the City by establishing regulations, procedures and standards for review and approval of all development and uses of land and water in the City. Further, the LDRs are adopted in order to foster and preserve public health, safety and welfare and to aid in the harmonious, orderly and progressive development and redevelopment of the City..." The proposed amendment is consistent with this purpose. The proposed amendment and its accompanying design guidelines along with the site development standards of the district will aid in the harmonious, orderly and progressive redevelopment of the City.

4. *The proposed amendment furthers the orderly development of the City.*

The proposed amendment furthers the orderly development of the City, for the reasons provided in Paragraph 3 above.

5. *The proposed amendment improves the administration or execution of the development process.*

The proposed amendment improves the administration or execution of the development process in that it provides for regulations and a process by which to approve development or redevelopment of a property within a Town Center Neighborhood District in the City.



BERCOW RADELL & FERNANDEZ
ZONING, LAND USE AND ENVIRONMENTAL LAW

DIRECT LINE: 305-377-6238
E-MAIL: mmarrero@brzoninglaw.com

VIA FACSIMILE AND E-MAIL

June 27, 2013

Ms. Joanne Carr
Community Development Director
City of Aventura
19200 West Country Club Drive, 4th Floor
Aventura, Florida 33180

Re: Land Development Code Amendment Regarding TC3 Zoning District

Dear Joanne:

This law firm represents Integra Investments, LLC (the "Applicant"), with regard to an application to amend the City of Aventura Land Development Code to provide for an additional Town Center (Mixed Use) Zoning District – TC3. The Applicant seeks to develop the assemblage of properties at the SW corner of NE 207 Street and 30th Avenue (the "Property")

The Applicant recently acquired the Property, which was the subject of prior approvals for City Place at Aventura. The prior project included a mix of residential and commercial uses and remains zoned B2 and RMF3A. The Applicants seeks to develop a true mixed use project, with a focus on some uses that have been identified as desirable uses by the Aventura community. These include a high quality Assisted Living Facility and a retail entertainment area, as well as a hotel, other retail uses and some residential units.

Presently, the Applicant has been working with staff to craft a language that will allow such uses, in addition to being consistent with the objectives of the Town Center. While these uses have been identified as a need in the community, the existing Town Center districts would not allow them as currently drafted.

EXHIBIT #1
01-LDR-13

Section 33-77(g) of the City Code provides standards that staff and the City Commission shall consider when reviewing proposed amendments to the text of the City's Land Development Regulations (the "LDRs"). The Applicant's request addresses each of the standards as follows:

(1) The proposed amendment is legally required.

In order for the Property to be developed as discussed with staff and the City Commission, the proposed amendment to the LDRs must be approved and is thus required.

(2) The proposed amendment is consistent with the goals and objectives of the Comprehensive Plan.

The proposed changes are consistent with the goals and objectives of the Comprehensive Plan, specifically the Town Center designation. The Applicant's property is currently not designated as a Town Center on the Comprehensive Plan Future Land Use Map. However, the Applicant will be seeking such an amendment upon approval of this request.

(3) The proposed amendment is consistent with the authority and purpose of the LDR.

The proposed amendment is consistent with the authority and purpose of the LDRs, as described in Section 31-2 of the City Code.

(4) The proposed amendment furthers the orderly development of the City.

The proposed amendment certainly furthers the orderly development of the City. Currently, the Property remains undeveloped and the Applicant is proposing several uses which will fill a need within the Aventura community.

(5) The proposed amendment improves the administration or execution of the development process.

Since the uses being proposed are consistent with the goals and objectives of the Town Center, the approval of the amendment will improve the administration or execution of the development process.

Ms. Joanne Carr
June 27, 2013
Page 3

For all the foregoing reasons, the applicant respectfully requests your department's favorable review and recommendation of this application. Should you have any questions, comments, or require additional information, please do not hesitate to phone my direct line at (305) 377-6238.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'MJM', with a long horizontal stroke extending to the right.

Michael J. Marrero

ORDINANCE NO. 2013-_____

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA AMENDING SECTION 31-145 "TOWN CENTER ZONING DISTRICTS" OF THE CITY'S LAND DEVELOPMENT REGULATIONS BY ADDING "TOWN CENTER NEIGHBORHOOD (TC3) DISTRICT" TO THE SECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Aventura ("City Commission") is desirous of amending Section 31-145 "Town Center Zoning Districts" of Chapter 31 "Land Development Regulations" of the Code of Ordinances ("City Code") to provide for a Town Center Neighborhood (TC3) District consisting of a mix of residential and commercial uses and providing for indoor and/or outdoor commercial recreation uses, assisted living facilities and hotels; and

WHEREAS, the Town Center future land use category applicable to the Town Center Neighborhood (TC3) zoning district encourages hubs for future urban development intended to serve the City's existing and future residents and businesses with design-unified development providing direct accessibility by mass transit service, and high-quality urban design, and the City Commission finds that the inclusion of a Town Center Neighborhood District is consistent with the applicable Town Center future land use category; and

WHEREAS, the City Commission has been designated as the Local Planning Agency for the City pursuant to Section 163.3174, Florida Statutes; and

WHEREAS, the Local Planning Agency has reviewed the proposed amendment during the required public hearing and has recommended approval to the City Commission; and

WHEREAS, the City Commission has reviewed the proposed amendment, and finds that it is in the best interests of the public to amend Section 31-145 of Chapter 31 "Land Development Regulations," as set forth in this Ordinance; and

WHEREAS, the City Commission has held the required public hearings, duly noticed in accordance with law; and

WHEREAS, the City Commission has reviewed the action set forth in the Ordinance and has determined that such action is consistent with the Comprehensive Plan.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, THAT:

Section 1. Recitals. The foregoing whereas clauses are hereby ratified and incorporated within this Ordinance.

Section 2. City Code Amended. That Section 31-145 "Town Center Zoning Districts" of Article VII "Use Regulations" of Chapter 31 "Land Development Regulations" of the City Code is hereby amended to read as follows¹:

* * *

Sec. 31-145. - Town Center Zoning Districts.

...

(c) Town Center Neighborhood (TC3) District. The following regulations shall apply to all TC3 Districts:

(1) Purpose. This district is intended to provide suitable sites for the development of structures and sites combining residential and commercial uses in a well-planned and compatible manner in existing neighborhoods on property that provides lot frontage on at least three public streets and does not front upon or access Biscayne Boulevard. Development in this district shall provide for indoor and/or outdoor commercial recreation uses and shall provide a minimum of 20,000 square feet per gross acre of assisted living facility use as part of its commercial uses. Residential densities shall not exceed 20 dwelling units per gross acre and non-residential intensity shall not exceed a floor area ratio of 2.0.

(2) Uses Permitted. No building or structure, or part thereof, shall be erected, altered or used, or land used in whole or part for other than a combination of all of the following specific uses, provided the requirements set forth elsewhere in this Section are satisfied:

a. Mixed-use structures. For the purposes of this subsection, mixed-use buildings or structures are those combining residential dwelling units conforming generally with the intent of the RMF3, Multifamily Medium Density Residential District, with office and/or retail commercial uses allowed in the B1, Neighborhood Business District, where the ratio of total square feet dedicated to residential and non-residential uses is between 3.5:1 and 1:3.5.

¹ Underlined provisions constitute proposed additions to existing text.

b. Assisted living facilities with a minimum of 20,000 square feet per gross acre and with a minimum gross floor area of 600 square feet per unit.

c. Indoor and outdoor commercial recreational uses with a maximum of 2,500 square feet of total floor area per establishment.

d. Hotels, with a minimum of 180 rooms and with a minimum gross floor area of a rental sleeping room of 400 square feet.

(3) Accessory uses permitted. Permitted incidental and accessory uses shall include:

a. Those uses allowed as accessory uses in the RMF3 Multi-Family Medium Density Residential District, except for uses which, by their nature, would inhibit the establishment of permitted commercial activities or restrict the acceptable mixing of residential and non-residential uses.

b. Outdoor dining as an accessory use to a permitted restaurant or retail use.

(4) Conditional uses permitted. The following uses may be established if first approved as a conditional use:

a. Those uses permitted in the B1 District with increased floor area.

b. Uses that exceed the height limitations of Section 31-145(c)(6), including parking structures.

c. Indoor and outdoor commercial recreation uses with more than 2,500 square feet per establishment.

d. Aboveground storage tanks. Aboveground storage tanks (AST) only as an accessory use and only for the purpose of storing fuel for emergency generators. ASTs must conform to the following requirements:

1. Be of 550 gallons capacity or less.

2. Be installed and operated under a valid permit from the Miami-Dade County Department of Environmental Resources Management.

3. Be fully screened by a masonry or concrete wall with a self-closing and locking metal door or gate. Such wall shall be landscaped in accordance with the City's Landscape Code.

4. Be located in a manner consistent with the site development standards of the TC1 zoning district.

5. Installation of any AST shall require a building permit from the City. Application for building permit shall be accompanied by a site plan indicating the location of the AST relative to property lines, the primary structure served by the AST, any other structures within 300 feet as well as a landscape plan prepared by a Florida licensed architect or landscape architect and other supporting documentation as deemed necessary by the City Manager or designee.

e. Floor areas that are less than the minimum floor areas required by the provisions of Section 31-145(c)(6)(g) hereof.

f. Allocations of interior spaces for mixed-use structures other than as set forth in Section 31-145(c)(8) hereof.

g. Structured parking that is not incorporated into the building envelope of a primary use structure, as required by Section 31-145(c)(9) hereof.

h. Structured parking that can be seen from a primary use building and that does not have the area of the top level landscaped and/or decoratively paved in order to provide amenity areas for building occupants, as required by Section 31-238 of this Code.

i. Driveways with a separation of less than 150 feet of landscaped frontage as long as it is determined, as part of site plan review that:

1. Landscaping for the total project site exceeds the minimum requirements of this Code, and;

2. Traffic studies indicate that a lesser distance between driveways does not constitute a safety hazard to either vehicular or pedestrian traffic.

j. Off-street parking that does not meet the requirements of Section 31-171(b) or (d) of this Code.

k. All uses permitted in the CF District.

l. For buildings that attain LEED® Gold or Platinum certification as provided in Article VI of Chapter 14 of the City Code, increased lot coverage, provided that a green roof and/or green rooftop amenities are provided and maintained for the common benefit of building occupants; and; that increased Florida-Friendly tree canopy and Florida-Friendly plantings designed to calm the heat island effect are located on site, all in an amount equal to the requested increased lot coverage.

m. For buildings that attain LEED® Gold or Platinum certification as provided in Article VI of Chapter 14 of the City Code, increased floor area ratio, not to exceed a floor area ratio of 2.0.

(5) Uses prohibited. Except as specifically permitted in this subsection (b), the following uses are expressly prohibited as either principal or accessory uses:

a. Any use not specifically permitted.

b. Adult entertainment establishments.

c. Sale of goods to other than the ultimate consumer.

d. Sales, purchase, display or storage of used merchandise other than antiques.

e. Sale of fruit or merchandise from trucks, wagons or other vehicles parked on or along public or private streets or from open stands or vacant lots. Such business on private or public property shall be conducted only from within approved permanent substantial buildings.

f. Any drive-through service facility.

(6) Site development standards.

a. Minimum lot size: 5 gross acres.

b. Minimum lot width: 100 feet.

c. Maximum lot coverage: 45 percent of total lot area, provided that if eighty (80%) percent or more of the required parking spaces is provided in a parking structure, lot coverage may be increased to a maximum of 55 percent of the total lot area.

d. Maximum floor density:

1. Residential component: 20 dwelling units per gross acre.

2. Nonresidential component: 2.0 floor area ratio.

e. Maximum height: Four stories or 50 feet, including parking structures.

f. Setbacks:

1. Front: 25 feet.

2. Side: There is no side yard setback required for a lot that is not adjacent to a street or alley, unless such setback is necessary to provide light and air to residential units. In such cases a side yard setback of 20 feet in depth is required.

3. Street Side: 20 feet.

4. Rear: There is no rear yard setback required for a plot not adjacent to a street or alley, unless such setback is necessary to

provide light and air to residential units. In such cases a rear yard setback of 20 feet in depth is required.

5. Rear Street: 20 feet.

6. Between buildings: No minimum building separation distance is normally required, except where necessary to provide light and air to residential units. In such cases, buildings may be no closer than 25 feet.

g. Minimum floor areas: The minimum floor area not including garage or unairconditioned areas shall be as follows, except that conditional use approval may be granted to authorize a reduction in the following minimum floor areas in accordance with Section 31-145(c)(4)(d):

Multiple-family dwelling unit:

Efficiency unit: 800 square feet.

One bedroom unit: 900 square feet.

Two bedroom unit: 1050 square feet.

For each additional bedroom in excess of two add 150 square feet.

Efficiency units shall not exceed 40 percent of the total number of residential units within a building.

h. Required open space: A minimum of 35 percent of the total lot area of the site shall be provided as common open space available for use by all residents or consumers; of this common open space a minimum of one-half shall be unencumbered with any structure (except for play equipment for children and associated mounting, fencing and furniture) and shall be landscaped with grass and vegetation approved in a landscape plan. The remaining one-half may be used for non-commercial recreational facilities, amenities, pedestrian walks, entrance landscaping and features (not including gatehouses and associated vehicle waiting areas), or maintenance facilities.

(7) Accessibility for Mixed-Use Structures. All residential units shall be accessible to the outside via an entry lobby that does not require residents to pass through a leasable commercial space.

(8) Allocation of interior space for Mixed-Use Structures. Retail stores, personal services, banks and financial services, indoor commercial recreation uses, restaurants and coffee houses, schools, nursery schools and child care centers are allowed only on the ground floor of mixed-use buildings. Offices and medical offices are allowed only on the ground and second floors. Residential uses are allowed only on the second or

higher floors. In accordance with Section 31-145(c)(4)(e), conditional use approval may be granted to authorize a waiver from such requirements for allocations of interior space in mixed-use structures.

(9) Performance Standards. Any structured parking serving the primary use on the site shall be incorporated into the building envelope and shall be compatibly designed. Such parking structure shall comply with all minimum setback and buffer yard requirements. Parking structure ceiling heights shall be seven feet six inches except where greater heights may be required by other regulatory agencies. Pipes, ducts and mechanical equipment installed below the ceiling shall not be lower than seven feet zero inches above finished floor. In accordance with Section 31-145(c)(4)(f), conditional use approval may be granted to authorize a waiver from the requirements that structured parking be incorporated into the building envelope of a primary use structure and that such structured parking conform to Section 31-238.

(10) Design Standards. All development in the TC3 Zoning District shall be compatible with existing adjacent development. Specifically, when greater heights are immediately adjacent to existing development, such height shall be graduated by steps so that the part of the structure within fifty (50) feet of the property boundary is the same or lower height as existing adjacent residential development. Development in the TC3 district shall substantially comply with the applicable "Town Center Design Guidelines", as provided by the City Manager and adopted through Ordinance No. 2006-02 on February 7, 2006.

...

Section 3. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Inclusion in the Code. It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Aventura; that the sections of this Ordinance may

be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. Effective Date. This Ordinance shall be effective immediately upon adoption on second reading.

The foregoing Ordinance was offered by _____, who moved its adoption on first reading. This motion was seconded by _____, and upon being put to a vote was as follows:

Commissioner Enbar Cohen	_____
Commissioner Teri Holzberg	_____
Commissioner Billy Joel	_____
Commissioner Howard Weinberg	_____
Commissioner Luz Urbáez Weinberg	_____
Vice Mayor Michael Stern	_____
Mayor Susan Gottlieb	_____

The foregoing Ordinance was offered by _____, who moved its adoption on second reading. This motion was seconded by _____, and upon being put to a vote was as follows:

Commissioner Enbar Cohen	_____
Commissioner Teri Holzberg	_____
Commissioner Billy Joel	_____
Commissioner Howard Weinberg	_____
Commissioner Luz Urbáez Weinberg	_____
Vice Mayor Michael Stern	_____
Mayor Susan Gottlieb	_____

PASSED on first reading this 9th day of July, 2013.

PASSED AND ADOPTED on second reading this 3rd day of September, 2013.

SUSAN GOTTLIEB, MAYOR

ATTEST:

TERESA M. SOROKA, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

This Ordinance was filed in the Office of the City Clerk this ____ day of _____, 2013.